

BUDGET ESTIMATES FOR 1959-60— DEMANDS FOR GRANTS.

Demand No. 15—Administration of Justice.

27. *Administration of Justice.*

Sri B. D. JATTI (Chief Minister).—
I beg to move :

“That a sum not exceeding Rs. 76,52,200 be granted to the Government to defray the charges which will come in course of payment during the year ending the 31st day of March 1960 in respect of ‘Administration of Justice’.”

Mr. SPEAKER.—Motion moved :

“That a sum not exceeding Rs. 76,52,200 be granted to the Government to defray the charges which will come in course of payment during the year ending the 31st day of March 1960 in respect of ‘Administration of Justice’.”

Demand No. 16—Jails.

28. *Jails.*

Sri B. D. JATTI.—I beg to move :

“That a sum not exceeding Rs. 34,80,000 be granted to the Government to defray the charges which will come in course of payment during the year ending the 31st day of March 1960 in respect of ‘Jails’.”

Mr. SPEAKER.—Motion moved :

“That a sum not exceeding Rs. 34,80,000 be granted to the Government to defray the charges which will come in course of payment during the year ending the 31st day of March 1960 in respect of ‘Jails’.”

Mr. SPEAKER.—As Hon'ble Members know, the cut motions are not moved and they are only for the notice of the Ministers to reply.

†Sri V. SRINIVAS SHETTY (Coondapur).—Sir, this is a very important Department. The tragedy of the situation is that the Government in their anxiety and haste to implement the Five-Year Plans have totally neglected the administrative set-up of the State.

One of the most important branches of administration is the Administration of Justice but Government have totally neglected this aspect. I will only enumerate a few of the shortcomings of the administration. One of the most important branches is the Judiciary. The High Court of Mysore safeguard the liberties of the citizens of the State. Till independence, we know that the recruitment of the Judges of the High Court was above party and communal politics. We find, Sir, that the Law Commission have pertinently referred to this matter in their latest report that the politicians have a hand in the pie. Sri Mallaradhy was pleased to make, damaging remarks against the method of recruitment. We have been watching how Government have been interfering, on several considerations.

Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—Is it with regard to recruitment of High Court Judges?

Sri V. SRINIVAS SHETTY.—We know that this Government does not recruit them. But they are the persons to recommend. We also know how these are done and manipulated. We have read the very stringent criticisms made in Parliament against the method of recruitment of judges. Sir, it is not merit alone that counted, it is affiliation to the party in power. Communal considerations have come into play in these matters. I believe, Sir, that it is to the detriment of the State that politicians should have hand in the selection of judges. I do not want to go further because we all know what is happening and what has happened. This should not continue. I should like to mention that in one State even against the recommendations of the Chief Justice judges were selected. That is an ugly state of affairs and that should not continue.

Another branch which I should like to mention is the selection of public prosecutors. I particularly mention this because I personally know of several cases in several districts, where recruitment of public prosecutors has not been done on merit at all. It is done purely on

communal and political considerations; mediocre lawyers who cannot stand up before judges and who have absolutely no practice whatsoever have been selected and they make fools of themselves in the Sessions Court. In the Headquarters in Bangalore I have been listening to complaints that lawyers make such a poor show in courts. In my own district and in several districts it has happened. I can give you names. This state of affairs should not last any longer. In my own district, before we merged with Mysore, one Sri Nambier well-known in the whole of India, was our Public Prosecutor. That is the tradition. He was the leader of the Bar. The status of the public prosecutor is that he happened to be the leader of the Bar. Now one of the mediocres has been chosen and he is imposed upon the Bar. What does the public think of this Government who go on from year to year continuing this state of affairs? This should stop. We cannot eschew backwardness and communal considerations in a day. It is to go gradually. Should we not have some consideration for ability, integrity and standing in the Bar? Should we not have some consideration for the cases which come before the Court and some consideration for the judges who see this state of affairs, the tragedy that is going on day in and day out in their courts? This state of affairs should be discontinued. Please have some consideration for the judges and the litigants who come before the court and select at least men of ordinary merit. There is one important thing which I wish to place before this House. We have got categories of prosecutors in the lower courts. In the erstwhile Madras State, there is one category of prosecutors, known as Assistant Prosecutors; in the Hyderabad area, they are known as Police Prosecutors; in the Bombay area also, they are called Police Prosecutors. In the erstwhile Madras State, they happen to be members of the lower judiciary. They happen to have all the rights of the lower judiciary and in other areas it is not so. For all Public Prosecutors of Grade I ought to have a

practice of five years and for all public prosecutors of category No. II, he ought to have practice for two years. But I find in the other areas such qualification is not needed at all. In the old Mysore area cases are being prosecuted still by Police Officers. Now, even after the integration, the same state of affairs is continuing. I think it is high time that we integrate and rationalise this service. There are many cases of dissatisfaction among the services in this category. But that is a matter of detail. I am not going to say much on that. It is high time that this service should be rationalised and made part of the judiciary as early as possible. We know how things can be manipulated. Prosecuting staff must be independent and they should not be part and parcel of the Police Department at all.

Mr. SPEAKER.—We shall now rise for tea. Before we rise I wish to mention one thing. I looked into the record and I found that in all six members of the Scheduled Caste have spoken. In the general discussion, Sri B. Rachiah, Sri T. Hanumiah and Sri Talwalkar have spoken and on the Governor's Address, Srimathi Kempamma, Sri Shamsundar and Sri Arumugham have spoken. Not only that I made an offer to Sri Arumugham that. I would give him a chance and he refused and went out.

The House will now rise and re-assemble after half an hour.

The House adjourned for Lunch at Ten of the Clock and re-assembled at Thirty Minutes past Ten of the Clock.

[Mr. SPEAKER in the Chair]

Mr. SPEAKER.—I am told that certain conclusions have been arrived at by the Opposition and the party in power so far as the allocation of time is concerned. I would like to know from the Leader of the Opposition whether that is correct.

Sri V. SRINIVAS SHETTY.—We of course tentatively came to some understanding.

Mr. SPEAKER.—Am I free to adopt it; can I adopt it to-day on the basis of 50:50? If both the sides are agreed, that it should be on 50:50 basis so far as the allotment of time to the groups is concerned, then I will implement it.

Sri V. SRINIVAS SHETTY.—There should be a little margin this way or the other way; that was the understanding.

I was just speaking about the appointment of Assistant Public Prosecutors. I wish to say one thing with regard to their status. I found that the Inspector General of Police had prepared Inter-state seniority list of Prosecutors as it stood on the 1st November 1956. I do not know how he could have prepared the list regarding some of the personnel in the prosecuting staff. For example in South Kanara they were not under the Police at all; they were directly under the Deputy Commissioner and the Home Department. In this connection I wish to draw attention to Section 107, proviso to sub-section (7) of the States Reorganisation Act which gives certain rights and benefits to the incumbents of these posts, to be taken into consideration with respect to their promotion, etc.

Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—What are the rights of the Assistant Public Prosecutors?

Sri V. SRINIVAS SHETTY.—They are members of the judiciary; they have got a right to be taken into the judiciary.

Sri T. SUBRAMANYA.—That is as Special Magistrates. Now we have given them right to sit for examinations and if they pass the examinations, they can become Munsiffs.

Sri V. SRINIVAS SHETTY.—Their rights will be taken into consideration while equating the posts and preparing the seniority list. I find that the question of investigation has been totally neglected of late. I have just now got a copy of the Report of the Law Commission. I read in the papers that one of the important suggestions by the Law Commission is the appointment of Director of Investigation.

It is entirely connected with investigation of cases. Once before I had made the suggestion. It is a thing prevailing in England for a considerable time. We know this side of criminal cases has been so much neglected. In one of the cases the Chief Justice of the Supreme Court made a suggestion that the Police should be divided into two categories—the investigating staff and the executing staff. That is the suggestion. I find that the capacity of the officers to investigate and file charge-sheets has gone so low and so much deteriorated. At least the post of Director of Investigations attached to Public Prosecutor's Office ought to be created to supervise the investigations and file charge-sheets. Unless that is done, we do not know where the whole thing will be leading to. I learn that the High Court has recommended the abolition of posts of Second Class Magistrates and having only one category of I Class Magistrates *cum* Munsiffs and this question has been pending before Government for a considerable length of time. For various reasons the Government have not been able to come to a decision in the matter and we should like to know if the Government have made up their mind as to the abolition of the Second Class Magistracy and having only one category of Magistrates, that is, First Class Magistrates, because the officers themselves are in a suspense as to whether the thing is going to happen at all or not.

Sri T. SUBRAMANYA.—How does it improve matters?

Sri V. SRINIVAS SHETTY.—That is the recommendation of the High Court. There are two opinions about it; Government must come to the conclusion one way or the other. The thing has been publicised. Every one knows about it. Government cannot go on saying that they are considering the proposal for a number of years. If the Government agree with the High Court, let them say that they are going to implement the proposal.

If the Government do not agree let them say "We are not going to implement that proposal and we do not agree

with it". I do not wish to dilate on this point much further. I find in certain districts certain difficulties due to various reasons. The Civil and Criminal courts are, in my own district, situated at different places at considerable distances. I had discussed that matter with the Chief Minister and I had also raised the point in this House. In the interests of quick justice and the convenience of the lawyers and clientele the courts, civil and criminal, should be situated as far as possible within the same precincts. I had been to Vellore; I saw almost all the district offices, criminal, civil, and police situated in one compound. It happened to be a fort and within that fort they were situated and it was very convenient to the public. It may not be practicable in every district or taluk to have all these offices in one place, but at least the courts may be in one place. For example, the lawyers appearing in civil cases and simultaneously appearing in criminal cases, for lack of conveyances will not be able to attend the other courts; so also the clientele. So I request the Government to consider this aspect and evolve a policy all over the State to see that as far as possible these courts are located in one and the same place.

One thing which I wish to place before the House is with regard to the decentralisation of courts. In many of the districts, almost all the civil courts, in my own district for example, are situated in Mangalore. The people of the northern division, Coondapur, have been agitating for locating one Sub-Court in Coondapur Division, i.e., in Udipi. Matters had gone up to the Hon'ble Chief Justice; we had met him and he had agreed. We had made representations to Government and they had also agreed. Here also politics seems to have pulled. Lawyers of Mangalore or persons from Mangalore are too powerful. There was a tug-of-war between the lawyers of Mangalore and others. Unfortunately or fortunately, the then Law Minister happened to be from Mangalore. I do not know whether he saw our viewpoint or not. The case having been conceded, it dragged on.

Mr. SPEAKER.—Why can't you be clear?

Sri V. SRINIVAS SHETTY.—I say he is Sri Baliga. I know he is a very just man. He sees our points of view. But of course there are other considerations which prevailed with him. Everybody having conceded the point I do not see why the court could not be established at Udipi. Even before the integration of the State, Madras Government had decided upon having a court at Udipi. I submit that the Government be pleased to view this request sympathetically and have a court at Udipi for the convenience of the people who have to come nearly 120 or 150 miles to Mangalore. Northern end is 120 miles from Mangalore. This is an example. There are such cases existing in almost every district in the State. Government may therefore locate all these courts to the convenience of the people as far as possible.

One word I wish to say with regard to the lower staff of the Judicial Department—the Copyists. I find that the remuneration given to the Copyists is very meagre. They have been agitating for considerable time; some procedure must be evolved to make their pay sufficient for their existence.

Sri T. SUBRAMANYA.—What do they get now?

Sri V. SRINIVAS SHETTY.—Sometimes they get on the quantum of work. We call ourselves a socialistic State, evolving a socialistic pattern of society. When you employ them you have to give them sufficient pay for their existence. There has been an agitation; Government and everybody know it; it is a small thing for the Government. Their cases may be looked into very sympathetically.

Many of my friends have got several things to say; I do not want to take the time of the House any more.

Mr. SPEAKER.—Sri H. V. Koujalgi, I remind the Hon'ble Member the time limit—15 minutes for each.

†**Sri H. V. KOUJALGI** (Sampagaon I).—I will try to finish within the time.

In supporting the demand before the House, I would like to make some observations. After the integration, what I find in the new State is that on

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account of the slackness in codifying uniform legislation and also for want of uniform procedure in the courts, justice is being delayed. Of course, the judges from one integrated area are transferred to the other and I think it is a good sign. But the difficulty is that when a judge from one area is transferred to another area, since he does not know the laws of that area, it becomes very difficult for him to study the laws of that area and also the procedure and some time is wasted. Ultimately we can say that justice is delayed. In the same way, if the judges of old Mysore are transferred to Bombay area you will find one following one procedure and the other a different procedure. This is how much handicap is felt both with regard to clients and also with regard to pleaders and also for the judges. It is my earnest desire and I also request the Government to see that we will have as early as possible uniform laws for the whole of the State. In order to have uniform laws, I suggest one or two remedies. During the course of these 2½ years we have hardly passed a dozen laws and some Bills are pending; looking to the number I find there is not much progress. No doubt the Law Department is working hard but what I find is there is much delay. This may be either due to lack of a drafting section or due to lack of sufficient number of officers who know this particular art of drafting.

Mr. SPEAKER.—I invite the attention of the Hon'ble Member to the fact that there are many Bills pending before the House and my personal experience is that the Law Department is doing its job.

Sri H. V. KOUJALGI.—What is the total number of Bills that we have passed?

Mr. SPEAKER.—There are 70 before the House.

Sri H. V. KOUJALGI.—The drafting in many Bills is not so happy as it ought to be because drafting is by itself an art. Every Law Graduate or a judge cannot be a good draftsman. So what I suggest is that Government should select some judges who know

this art of drafting and who have got a liking for this work. Most of the judges want to work as judges in the Judicial Department and very few like this drafting work. So persons who have keen interest in drafting work should be drafted for this work.

Secondly, Sir, to expedite this work and since there are several laws to be enacted, a few judges from each integrated area will have to be taken for this work at least for a year or two. I think that if one judge who knows the laws in the particular area is taken from each integrating area, namely, old Mysore, Bombay, Madras and Hyderabad areas, that will be very helpful to expedite the drafting of the several measures.

I also request Government to call even a special session of the Legislature to pass these Bills into law as quickly as possible so that there may be uniform legislation throughout the State soon.

I would also suggest to Government to request the High Court to have uniform procedure so far as daily routine work is concerned so that there may be quick disposal of cases.

There are also difficulties for judges. In certain parts the judges are exercising unlimited powers. If they are transferred to another area, they have to exercise limited powers and that is also one reason contributing to delay in justice. I need not dilate much on this point. I am sure the Law Minister and the Chief Minister who are also law graduates and who have experience as Pleaders or Advocates will make a note of these suggestions and do the necessary.

As regards recruitment of Civil Judges, Junior and Senior, I find that law graduates who are working as clerks in the Judicial Department are appointed as judges. I submit that this practice should be abolished immediately. Though the person appointed may be a law graduate, he has not got the experience of practising as a pleader and by the time he is appointed to that post he might have forgotten all the laws that he had learnt. Since the person has been working as a clerk and since he has no

experience of any sort to exercise judicial powers, it is much better that such clerks should not be appointed as judges. As far as my information goes, there was even a Judicial Committee appointed to go into this matter and on its recommendation almost all States have given up this practice and so it is strange that in Mysore this practice is still prevailing. I would be thankful if Government move the High Court to stop such appointments.

Then, Sir, I learn that Government want to introduce certain rules for appointments and they want to prescribe a written test. In my humble opinion, if written test is prescribed, great injustice will be done and proper recruitment will not be possible, because a written test is no test at all. A young Pleader who can learn by heart some provisions of the law may get through the written test and get appointed, but he may not be a successful judicial officer. To be a successful judicial officer, what we have to see in him is the length of his practice, the number of cases he has conducted, his personality and the recommendations from those under whom he has served. These are the tests for making appointments. I hope Government will think twice before finalising the rules and prescribing written tests for recruitment. The idea of having written tests should be given up and other tests may be prescribed.

Sri M. C. NARASIMHAN (Kolar Gold Fields).—Would you suggest *viva voce* test?

Sri H. V. KOUJALGI.—Yes. The members of the Public Service Commission with the help of the High Court Judges can select proper candidates. Selection should not be entirely left to the Public Service Commission.

So far as District and Sessions Judges are concerned, after the formation of the new State, we do not see any judges being directly recruited from the Bar. There are many Pleaders and Advocates who have done their work very efficiently and who are known for their advocacy. So I suggest that in the interest of proper administration of justice, 50 per cent of the District and

Sessions Judges should be drawn from the Bar and the others by promotion.

Then, Sir, in some parts of the State there are moving courts. My experience and the experience of the judges working in these courts also is that they cannot turn out the required amount of work. Instead of affording convenience to the litigant public, this system has caused much inconvenience to them and justice also delayed. My suggestion to the Government is that these courts should be abolished and the jurisdiction should be properly divided so as to cause convenience to the litigant public.

So far as buildings for courts are concerned, I find that Government are very negligent in providing good and permanent buildings for these courts. Even in Bangalore proper I find that the judges are sitting in small rooms and no proper buildings have been provided for these courts. There should be a scheme to construct permanent buildings throughout the State. In my opinion permanent buildings are necessary in order to lend dignity and self-respect to the courts.

11 A.M.

Government is not properly attending to the daily requirements of stationery and other articles required by judges. The judges in the ordinary course send indents, but the articles are not supplied in time. Simply because the judicial officers are more law-abiding and they submit their needs in the routine manner, Government should not be in different.

In different courts, the lady witnesses and lady parties are put to great inconvenience because of lack of a waiting room. This is a great hardship. We find many respectable ladies attending the courts in one capacity or the other have to wait at distances, sometimes under the trees.

Sir, the police prosecutors are part of the judiciary and are required to help in the administration of justice. Therefore I will speak about them here. We find that these prosecutors are not being transferred from place to place like the other Government servants.

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This fact has been brought to the notice of Government several times in this House. There are police prosecutors serving in one and the same place for over three years.

Sri B. D. JATTI (Chief Minister).—In Bombay Karnatak area they are transferred from one district to another.

Sri H. V. KOUJALGI.—I am speaking about Bombay Karnatak area. Police prosecutors are working in their home towns for more than three years and to get the transfer of one person, we took two years.

Sri B. D. JATTI.—The Hon'ble Member knows that that office has been tranferred.

Sri H. V. KOUJALGI.—My request is that Government should issue a circular directing the transfer of police prosecutors. Why should we bring cases of individuals before the Government?

Sri B. D. JATTI.—If a prosecutor is doing his job very well and there are no complaints against him from any side, would it not be correct to retain him?

Sri G. VENKATAI GOWDA (Palaiyam).—They would do well elsewhere also.

Sri B. D. JATTI.—The suggestion would be considered.

Sri H. V. KOUJALGI.—The trouble is that the Hon'ble Chief Minister has left practice a long time ago. I might tell him that justice is being sold.

Sri B. D. JATTI.—I was practising only one-and-half years ago.

Sri H. V. KOUJALGI.—Government should take note of this and issue a circular.

About the administration of jails, according to the new rules a convict is allowed to go on parole for about two or three weeks. What happens is that once a convict goes on parole, he goes on extending it, like the Government servants. I do not know under what provision such extensions are given and why he is not compelled to go back to jail. When police officers approach him he says he has put in an application for extension and the police then keep

quiet. I myself found two instances. This is most objectionable.

Convicts are allowed parole on false pretexs and with the connivance of the police. I suggest that there should be a rule by which they would be allowed parole once a year instead of allowing them to produce false evidence and submit false reasons for going home.

ಶ್ರೀ ಜಿ. ವೆಂಕಟೇಗೌಡ (ಪಾಳ್ಯಂ).—ಸ್ಯಾಂಬಿ, ಈಗ ನ್ಯಾಯಾಂಗ ಶಾಖೆಯ ಮಂತ್ರಿಗಳಿಂದ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿರತಕ್ಕ ಬೇಡಿಕೆಗಳ ಬಗ್ಗೆ ನನ್ನ ಕೆಲವು ಸಲಹೆಗಳನ್ನು ಸಭೆಯ ಮುಂದಿಡಲು ಇಚ್ಛಿಸುತ್ತೇನೆ. ಸರ್ಕಾರದವರು ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಗಳಲ್ಲಿ ಪ್ರಾಸೆಕ್ಯೂಷನ್ ನಡೆಸಲು ಕೆಲವು ಕಡೆ A.P.P. ಗಳನ್ನೂ, ಇನ್ನು ಕೆಲವು ಕಡೆ ಪೊಲೀಸ್ ಪ್ರಾಸೆಕ್ಯೂಟರುಗಳನ್ನೂ ಇಟ್ಟಿರುತ್ತಾರೆ. ಹೀಗೆ ಒಂದೊಂದು ಕಡೆ ಒಂದೊಂದು ರೀತಿಯ ಪ್ರಾಸೆಕ್ಯೂಟರುಗಳನ್ನಿಟ್ಟಿರುತ್ತಾರೆ. ಈ ವ್ಯತ್ಯಾಸವನ್ನು ತೊಡೆದುಹಾಕಲು ಈ ಬಗ್ಗೆ ಒಂದು ಸಮನ್ವಯಗೊಳಿಸತಕ್ಕ ಕಾರ್ಯ ಅತ್ಯಗತ್ಯವಾಗಿ ಆಗಬೇಕಾಗಿದೆ. ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ ಪಬ್ಲಿಕ್ ಪ್ರಾಸೆಕ್ಯೂಟರುಗಳಿದ್ದರೆ ಇನ್ನು ಕೆಲವು ಕಡೆ ಕೇವಲ ಪೊಲೀಸ್ ಸಬ್-ಇನ್ಸ್ಪೆಕ್ಟರುಗಳೇ ಪ್ರಾಸೆಕ್ಯೂಷನ್ ನಡೆಸುತ್ತಿರುತ್ತಾರೆ. ಇಂಥಾದ್ದನ್ನೆಲ್ಲಾ ಕೂಡಲೆ ತಪ್ಪಿಸತಕ್ಕದ್ದು ಅತ್ಯವಶ್ಯಕ. ಈಗರಾದರೂ ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಈ ವಿಚಾರದಲ್ಲಿ ಸೂಕ್ತ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನೂಟಿಸುತ್ತೇನೆ.

ಇನ್ನು ಮುನ್ಸೀಫರುಗಳ ಹಾಗೂ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರುಗಳ ನೇಮಕದ ವಿಚಾರದಲ್ಲಿ ಯಾವ ರೀತಿನೀತಿ ಮತ್ತು ನಿಯಮಗಳನ್ನು ಅಕ್ಕಪಕ್ಕದ ರಾಜ್ಯಗಳು ಅನುಸರಿಸುತ್ತಿವೆಯೋ ಅಂಥ ರೀತಿ ನೀತಿ, ನಿಯಮಗಳನ್ನು ನಾವೂ ಸಹ ಇಲ್ಲಿ ಅಚರಣೆಗೆ ತರಬೇಕಾದದ್ದು ಅತ್ಯಗತ್ಯ. ಇತರ ರಾಜ್ಯಗಳಲ್ಲಿ ಮುನ್ಸೀಫರುಗಳ ಹಾಗೂ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ನೇಮಕಮಾಡುವ ಮುನ್ನ ಅವರು ಎಷ್ಟು ಸರ್ವಿಸನ್ನು ಕೋರ್ಟುಗಳಲ್ಲಿ ಮಾಡಿರುತ್ತಾರೆ, ಯಾವ ಯಾವ ಕೋರ್ಟುಗಳಲ್ಲಿ ಎಷ್ಟೆಷ್ಟು ಕೇಸುಗಳನ್ನು ನಡೆಸಿರುತ್ತಾರೆ; ಎಷ್ಟೆಷ್ಟು ಕೇಸುಗಳನ್ನು ದಾಖಲಾಡಿರುತ್ತಾರೆ; ಅವರಿಗೆ ಕಾನೂನಿನ ಪರಿಶ್ರಮ ಎಷ್ಟರ ಮಟ್ಟಿಗಾಗಿದೆ ಎಂಬುದನ್ನೆಲ್ಲಾ ಪರಿಶೀಲಿಸಮಾಡಿ ಅನಂತರ ಅವರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಕಮಾಡಿಕೊಳ್ಳುವುದು ಒಳ್ಳೆಯ ಸದ್ಭಿತಿ. ಹಾಗೆ ಮಾಡದೆ ಸುಮ್ಮನೆ ಮೂರು ವರ್ಷದ ಒಂದು ರಾಯರ್ ಗಿರಿಯ ಸರ್ವಿಸಿದ್ದರೆ ಸಾಕೆಂದು ಹೇಳುವುದು ಅಷ್ಟು ಸರಿಯೆಂದು ಕಾಣುತ್ತಿಲ್ಲ. ಆ ಮೂರು ವರ್ಷಗಳ ಅವಧಿಯಲ್ಲಿ ಎಷ್ಟೋ ಜನ ರಾಯರುಗಳು ಕೋರ್ಟಿನ ದಾಗಿಲನ್ನೂ ಸಹ ನೋಡಿರುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಈ ಹುದ್ದೆಗಳಿಗೆ ಜನರನ್ನು ನೇಮಿಸುವ ಮುನ್ನ ಅವರು ಕೋರ್ಟುಗಳಿಗೆ ಹೋಗಿದ್ದಾರೆಯೇ, ಹೋಗಿದ್ದರೆ ಅಲ್ಲಿ ಏನು ಕೆಲಸ ಮಾಡಿದ್ದಾರೆ, ಎನ್ನುವುದನ್ನೆಲ್ಲಾ ಪರಿಶೀಲಿಸಿ ನೇಮಕ ಮಾಡಿದರೆ ಮುಂದಿನ ಅವರ ದಕ್ಷತೆಯು ಹಿತದೃಷ್ಟಿಯಿಂದ ಅನುಕೂಲವಾಗುತ್ತದೆಂದು ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು ಈ ಕೋರ್ಟುಗಳವರು ಸಾಕ್ಷಿಗಳನ್ನು ಸಮೀಪ ಮಾಡುವ ವಿಚಾರ ತೆಗೆದುಕೊಂಡರೆ ಒಂದು ಕೇಸಿನಲ್ಲಿ 90 ಜನ ಸಾಕ್ಷಿಗಳಿದ್ದಾರೆಂದು ಇಚ್ಛುಕೊಂಡರೆ ಆ ಎಲ್ಲ ಸಾಕ್ಷಿಗಳ ವಿಚಾರಣೆಯೂ ಒಂದೇ ದಿವಸದಲ್ಲಿ ಆಗುವುದಿಲ್ಲವೆಂಬುದು ಖಚಿತವಾಗಿ ಗೊತ್ತಿದ್ದರೂ ಆ 90 ಜನ

ಸಾಕ್ಷಿಗಳನ್ನೂ ಒಂದೇ ದಿನದಲ್ಲಿ ಬರುವಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ಇದರಿಂದ ಪಾರ್ಲಿಮೆಂಟ್‌ಗೆ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತಿದೆ. ಇದಕ್ಕೆ ಬದಲಾಗಿ ಒಂದು ದಿನದಲ್ಲಿ ಎಷ್ಟು ಸಾಕ್ಷಿಗಳ ವಿಚಾರಣೆ ಮಾಡಬಹುದೆಂಬುದನ್ನು ನೋಡಿಕೊಂಡು ಅದಕ್ಕಿಂತ 3-4 ಜನ ಸಾಕ್ಷಿಗಳನ್ನು ಹೆಚ್ಚಿಗೆ ಸಮೀಕ್ಷಿಸಿದರೆ ಸಾಕೆಂದು ಕಾಣುತ್ತದೆ. ಆ ಸಾಕ್ಷಿಗಳಿಗೆ ಇಲ್ಲಿ ಕೊಡತಕ್ಕ ದಿನ ಭತ್ಯೆವಾದರೂ ಎಷ್ಟು? 8-10 ಅಂಶಗಳು. ಇದರಿಂದ ಸಾಕ್ಷಿಗಳಿಗೂ ಕಷ್ಟ, ಸರ್ಕಾರಕ್ಕೂ ಸ್ವಲ್ಪ. ಅದಕ್ಕಾಗಿ ನಾನಿಗ ಸಲಹೆ ಮಾಡುವುದೇನೆಂದರೆ, ಆಯಾ ದಿನಕ್ಕೆ ಎಷ್ಟೆಷ್ಟು ಸಾಕ್ಷಿಗಳ ವಿಚಾರಣೆ ಮಾಡಬಹುದೆಂದು ಅಂದಾಜು ನೋಡಿಕೊಂಡು ಅದರಮೇಲೆ ಬೇಕಿದ್ದರೆ ಒಬ್ಬರು ಸಾಕ್ಷಿಗಳನ್ನು ಹೆಚ್ಚಿಗೆ ಸಮೀಕ್ಷಿಸುವಂತೆ ಮಾಡಿದರೆ ಸರ್ಕಾರಕ್ಕೂ ಮತ್ತು ಜನತೆಗೂ ಅನುಕೂಲವಾಗುತ್ತದೆಂದೂ, ಹೀಗೆ ಮಾಡಲು ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕೆಂದೂ ಅರಿಕೆಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

ಈ ಒಂದು ವ್ಯವಸ್ಥೆ ಬೇರೆ ಪ್ರದೇಶಗಳಲ್ಲಿಯೂ ಇದೆ. ಕೆಲವರು ಅಲ್ಲಿನವರನ್ನು ಸಮೀಕ್ಷಿಸುವುದಿಲ್ಲ. ಅತ್ಯಾವಶ್ಯಕವಾದ ಸಮಯ ಅವರಿಗೆ ಇರುತ್ತದೆ. ಅವರನ್ನು ಒಂದೆರಡು ದಿವಸ ವಿಚಾರಣೆಮಾಡದೆ ನಿಲ್ಲಿಸುತ್ತಾರೆ. ಎರಡು ಮೂರು ದಿನ ವಿಚಾರಣೆ ಇಲ್ಲದೆ ಇರತಕ್ಕ ಸಂದರ್ಭಗಳು ಬರುತ್ತವೆ. ಆದುದರಿಂದ ಒಂದು ದಿವಸಕ್ಕೆ ಎಷ್ಟೆಷ್ಟು ಸಾಕ್ಷಿಗಳು ಅಗತ್ಯವಿದೆಯೋ ಅಷ್ಟು ಸಾಕ್ಷಿಗಳನ್ನು ಮಾತ್ರ ಪಬ್ಲಿಕ್ ಪ್ರಾಸಿಕ್ಯೂಟರ್ ಸಲಹೆ ತೆಗೆದುಕೊಂಡು ಸಮೀಕ್ಷಿಸತಕ್ಕ ವ್ಯವಸ್ಥೆಯನ್ನು ಮಾಡಬೇಕೆಂದು ನಾನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳಲ್ಲಿ ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಭಾಷಾವಾರು ಪ್ರಾಂತ ರಚನೆಯಾದಮೇಲೆ ಕೆಲವು ಕೋರ್ಟುಗಳಲ್ಲಿ ಬೇರೆ ಬೇರೆ ಭಾಗಗಳಿಂದ ಬಂದಂಥ ಬೇರೆ ಬೇರೆ ಭಾಷೆಯ ರಿಕಾರ್ಡುಗಳನ್ನು ತರ್ಜುಮೆ ಮಾಡದೆ ಅನೇಕ ಅಪೀಲುಗಳು ಪೆಂಡಿಂಗ್‌ನಲ್ಲಿವೆ. ಮೈಸೂರಿನಲ್ಲಿ ಮದರಾಸು ಕಡೆಯಿಂದ ಬಂದಂಥ ತುಖ್ತು ರಿಕಾರ್ಡುಗಳು ತರ್ಜುಮೆಯಾಗಿಲ್ಲ. ಟಾನ್ಸ್‌ಲೇಟರನ್ನು ನೇಮಕ ಮಾಡಿಲ್ಲ. ಇದರಿಂದಾಗಿ ಅನೇಕ ಅಪೀಲುಗಳು ಫೈನಲ್ ಆಗದೆ ನಿಂತಿರುವುದಕ್ಕೆ ಕಾರಣವಾಗಿದೆ. ಅದರ ಬಗ್ಗೆ ಕ್ಷಿಪ್ರವಾಗಿ ಕಾರ್ಯಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನಾನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳಲ್ಲಿ ಬೇಡಿಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ.

ಮೈಸೂರು ಸ್ಟಾಂಪ್ ಆಕ್ಟ್ ಕಳೆದವರ್ಷ ಜಾರಿಗೆ ಬಂತು. ಅದರಲ್ಲಿ ನಮೂದಿಸಿರತಕ್ಕ ಕಾಪಿ ಅಪ್ಪಿ ಕೇಷನ್ ಮತ್ತು ಡಿಕ್ರಿ ಕಾಪಿ ಪಡೆಯಲು ಫೀ ಏನಿವೆಯೋ ಅದನ್ನು ಜಾರಿಗೆ ಕೊಟ್ಟಿಲ್ಲ. ಮದರಾಸಿನಲ್ಲಿ ಏನು ರೇಟ್ ಕೊಡುತ್ತಿದ್ದೇವೋ ಅದೇ ರೇಟ್‌ನ್ನು ಕಾಪಿ ಪಡೆಯಲಕ್ಕೆ ಕೊಡಬೇಕು. ಹಳೆಯ ಮೈಸೂರಿನಲ್ಲಿ ಬೇರೆ ರೀತಿಯಾಗಿ ಕೊಡುತ್ತಿದ್ದಾರೆ. ಸ್ಟಾಂಪ್ ಆಕ್ಟ್ ಜಾರಿಗೆ ಬಂದರೂ ಕೂಡ ಈ ವಿಷಯದಲ್ಲಿ ಸಮನ್ವಯವಾಗದೆ ಇರುವುದಕ್ಕೆ ಕಾರಣವೇನು ಎನ್ನುವುದು ಗೊತ್ತಾಗಿಲ್ಲ. ಎಲ್ಲ ಕಡೆಯೂ ಒಂದೇ ರೀತಿಯ ಫೀ ಇರುವುದಕ್ಕೆ ಏನು ಅನುಕೂಲಗಳನ್ನು ಮಾಡಬೇಕೋ ಅದನ್ನೆಲ್ಲ ಮಾಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಕೋರ್ಟ್ ಫೀ ಆಕ್ಟ್ ಇನ್ನೂ ಜಾರಿಗೆ ಕೊಟ್ಟಿಲ್ಲ. ಅದರ ಬಗ್ಗೆ ರೂಲ್ಸ್ ಮಾಡಲು ಸರ್ಕಾರ ಪ್ರಯತ್ನ ಪಟ್ಟಿಲ್ಲವೆಂದು ವಿಷಾದದಿಂದ ಹೇಳಬೇಕಾಗಿದೆ.

ಶ್ರೀ ಟಿ. ಸುಬ್ರಮಣ್ಯಂ.-ಸರ್ಕಾರ ಅಲ್ಲ, ಹೈಕೋರ್ಟ್ ಮಾಡಬೇಕು.

ಶ್ರೀ ಬಿ. ವೆಂಕಟೇಗೌಡ.-ಸರ್ಕಾರದವರು ಹೈಕೋರ್ಟ್‌ನವರನ್ನು ಕೇಳಿಕೊಳ್ಳಬೇಕು. ರೂಲ್ಸ್ ಮಾಡದೆ

ಇರುವುದರಿಂದ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತಿದೆ. ಕೋರ್ಟುಗಳಲ್ಲಿ ನ್ಯಾಯಗಳು ಬೇಗ ವಿಮರ್ಶೆಯಾಗತಕ್ಕದ್ದಕ್ಕಿಂತ ಸರ್ಕಾರದವರು ಹೈಕೋರ್ಟಿನವರನ್ನು ಪ್ರಾರ್ಥನೆಮಾಡಿ, ಬೇಗ ನ್ಯಾಯವಾಗುವ ಹಾಗೆ ಮಾಡಬೇಕಾದದ್ದು ಸರ್ಕಾರದ ಕರ್ತವ್ಯವೆಂದು ನಾನು ತಮ್ಮ ಮುಂದೆ ಇದಲಕ್ಕೆ ಪ್ರಯತ್ನಪಡುತ್ತಿದ್ದೇನೆ.

ಮದರಾಸು ಕರ್ನಾಟಕ ಭಾಗದಲ್ಲಿ ಸೆಕಂಡ್ ಕ್ಲಾಸ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಪವರ್ಸ್ ಇರತಕ್ಕ ಸಬ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿದ್ದಾರೆ. ಇಲ್ಲಿಯೂ ಅಂತಹ ಸಬ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಆವಶ್ಯಕತೆ ಇದೆ ಎಂದು ತಿಳಿಯುತ್ತೇನೆ. ಇಡೀ ಕರ್ನಾಟಕಕ್ಕೆ ಸಬ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಕೇಡರನ್ನು ಮಾಡಿ ಫಸ್ಟ್ ಕ್ಲಾಸ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಸಂಖ್ಯೆಯನ್ನು ಕಡಮೆ ಮಾಡಬಹುದು. ಪ್ರತಿಯೊಂದು ಭಾಗಕ್ಕೂ ನ್ಯಾಯಪು ಶಿಫ್ಟು ದಲ್ಲೆಯೇ ಮತ್ತು ದೂರದಲ್ಲರತಕ್ಕ ಜನಗಳಿಗೂ ಬೇಗನೇ ಸಿಕ್ಕುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಈ ಪದ್ಧತಿಯ ಮದರಾಸ್, ಆಂಧ್ರ ಪ್ರಾಂತಗಳಲ್ಲಿಯೂ ಇದೆ. ಯಾರಾದರೂ nuisance ಮಾಡಿದರೆ ಅವರನ್ನು ಫಸ್ಟ್ ಕ್ಲಾಸ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಕೋರ್ಟುಗಳಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಬೇಕಾಗಿದೆ. ಸಣ್ಣ ಪುಟ್ಟ ತಪ್ಪುಗಳಿಗೆ, ಅಪಾದನೆಗಳಿಗೆ, ಫಸ್ಟ್ ಕ್ಲಾಸ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಕೋರ್ಟುಗಳಿಗೆ ಕರೆತಂದು ಆ ಕೋರ್ಟಿನ ಸಮಯವನ್ನು ಕಳೆಯದೆ ಸೆಕಂಡ್ ಕ್ಲಾಸ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಅಧಿಕಾರವಿರತಕ್ಕ ಸಬ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಕೇಡರನ್ನು create ಮಾಡಿ ಇಡೀ ಮೈಸೂರು ಸಂಸಾನದಲ್ಲಿ smallest judiciary ಯನ್ನು ಕೆಳಗಿನ ಹಂತದಲ್ಲಿ ವ್ಯವಸ್ಥೆ ಮಾಡಬೇಕೆಂದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಇನ್ನು ಕೋರ್ಟುಗಳ jurisdiction ಪುನರ್ವಿಮರ್ಶೆಯಾಗಬೇಕಾಗಿದೆ. ಒಂದು ಕೋರ್ಟಿಗೆ ಸುಮಾರು 60-70 ಮೈಲಿ ಇರತಕ್ಕ jurisdiction ಇದ್ದರೆ ಇನ್ನೊಂದು ಕೋರ್ಟಿಗೆ 150 ಮೈಲಿ ಇರತಕ್ಕ jurisdiction ಇದೆ. ಇದರಿಂದ ಜನಗಳಿಗೆ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತದೆ. 100 ಮೈಲಿ ಹೋಗಬೇಕು...

Sri B. D. JATTI.—That question is being considered and immediately a decision will be taken in the matter.

ಶ್ರೀ ಜಿ. ವೆಂಕಟೇಗೌಡ.—ಒಳ್ಳೆಯದು. Jurisdiction ಸಂಬಂಧದಲ್ಲಿ ಪುನರ್ವ್ಯವಸ್ಥೆಯನ್ನು ಮಾಡಿದರೆ ಬಹಳ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಒಂದು ನಿರ್ದಿಷ್ಟವನ್ನು ಹೇಳುವುದಾದರೆ ಕೊಳ್ಳೇಗಾಲವು ಯಳಂದೂರು ಮತ್ತು ಮಾಂಬಳ್ಳಿಗಳಿಂದ ಆರೇಳು ಮೈಲಿ ದೂರದಲ್ಲಿದೆ. ಈ ಭಾಗದವರು ಕೊಳ್ಳೇಗಾಲದಲ್ಲರುವ ಕೋರ್ಟಿಗೆ ಹೋಗುವ ಹಾಗೆ ಇಲ್ಲ. ಅವರು ಮೈಸೂರು ಕೋರ್ಟಿಗೆ ಹೋಗಬೇಕು. ಇದು ಎಂಥ ತೊಂದರೆ! ಅದುದರಿಂದ jurisdiction ವಿಷಯದಲ್ಲಿ ಬೇಗನೆ ಪುನರ್ವ್ಯವಸ್ಥೆಯಾಗುವ ಹಾಗೆ ಮಾಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಮಾನ್ಯ ಸಿ.ಎಸ್. ಮತ್ತೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರನ್ನು ರೆಕೋರ್ಟ್ ಮಾಡುವ ವಿಷಯದಲ್ಲಿ ಒಂದು ವಿಚಾರವನ್ನು ಮನಸ್ಸಿನಲ್ಲಿಟ್ಟುಕೊಳ್ಳಬೇಕು. ನಿಜವಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ ಮೊಕದ್ದಮೆಯನ್ನು ನಡೆಸುವ ವಿಚಾರದಲ್ಲಿ ಕೆಲಸ ಮಾಡಿದ್ದಾರೆಯೇ ಎನ್ನುವ ಆಧಾರದಮೇಲೆ ನೇಮಕ ಮಾಡುವುದು ಉತ್ತಮ. ಇದರಿಂದ ಯಾರಿಗೂ ಅನ್ಯಾಯವಾದುವುದಕ್ಕೆ ಅಥವಾ ಅಪಾದನೆ ಹೊರಿಸಲಕ್ಕೆ ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. Written examination ನಲ್ಲಿ just 30% ಬಂದಿದ್ದರೂ ಸಹ viva

(ಶ್ರೀ ಜಿ. ವೆಂಕಟೇಗೌಡ)

voce ಪರೀಕ್ಷೆಯಲ್ಲಿ ನೂರಕ್ಕೆ ನೂರು ಅಂಕಗಳನ್ನು ತೆಗೆಯುವ ಸಂಭವವೂ ಇದೆ. ಈ ಒಂದು ದೃಷ್ಟಿಯಿಂದ ಎಷ್ಟು ವರ್ಷ ಕೋರ್ಟಿನಲ್ಲಿ ಆತನು ಪ್ರಾಕ್ಟೀಸ್ ಮಾಡಿರುತ್ತಾನೆ, ಏನೇನು ಕೆಲಸ ಮಾಡಿರುತ್ತಾನೆ, ಎಷ್ಟು ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಗಳಲ್ಲಿ ಎಷ್ಟು ಸಿವಿಲ್ ಮೊಕದ್ದಮೆಗಳಲ್ಲಿ ಹಾಜರಾಗಿದ್ದಾನೆ ಎಂದು ತಿಳಿದು, ಇದರ ಆಧಾರದ ಮೇಲೆ ನೇಮಕಮಾಡಿ ಕೆಲಸ ಕೊಟ್ಟರೆ ದಕ್ಷತೆಯಿಂದ ತೀರ್ಮಾನವನ್ನು ಕೈಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವೆಂದು ತಿಳಿಸುತ್ತೇನೆ. ಒಂದು ದಿವಸವೂ ಕೋರ್ಟಿಗೆ ಹೋಗದೆ ಇದ್ದವರಿಗೆ ಬಹಳ ಕಷ್ಟವಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಮುನ್ಸೀಫ್ ಮತ್ತು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ನೇಮಕವನ್ನು ನಾನಾಗಲೇ ಹೇಳಿರುವ ಆಧಾರದ ಮೇಲೆ ಮಾಡಬೇಕೆಂದು ಹೇಳಿ ನನಗೆ ಸಮಯ ಕೊಟ್ಟಿದ್ದಕ್ಕಾಗಿ ಅಧ್ಯಕ್ಷರನ್ನು ಪಂದಿಸಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

†ಶ್ರೀ ಆರ್. ಸಿ. ಪಾಟೀಲ್ (ಶಿಗ್ಗಾವ್).—ಅಧ್ಯಕ್ಷರೇ, ನ್ಯಾಯಾಂಗ ಮತ್ತು ಜೈಲುಗಳಿಗೆ ಸಂಬಂಧ ಪಟ್ಟಂಥ ಬಾಬತ್ತುಗಳ ಮೇಲೆ ನಮ್ಮ ಸರ್ಕಾರದವರು ಇಚ್ಛಿರುವಂಥ ಡಿಮ್ಯಾಂಡುಗಳು ಬಹಳ ಯೋಗ್ಯವಾದುವು ಮತ್ತು ಈ ಕೆಲಸಗಳಿಗೆ ಯೋಗ್ಯವಾಗಿದೆ ಎಂದು ತಿಳಿದು ಕೊಂಡು ಅದನ್ನು ಮಂಜೂರು ಮಾಡಬೇಕೆಂದು ನನ್ನ ಅನುಮೋದನೆಯನ್ನು ಕೊಡುತ್ತೇನೆ. ಇದರಲ್ಲಿ ಏನು ಸೂಚನೆಗಳನ್ನು ಮಾಡಬಯಸುವುದು ಎಂದರೆ, ನ್ಯಾಯಾಂಗವು ಮುಖ್ಯವಾಗಿ ಸರ್ಕಾರದ ಒಂದು ಭಾಗ. ನಮಗೆ ಪಾಶ್ಚಾತ್ಯರಿಂದ ಬಂದಂಥ ನಾಲ್ಕು ಎಸ್ಟೇಟ್ಸ್ ಎಂದು ಏನು ತಿಳಿದುಕೊಂಡಿದ್ದೇವೆಯೋ ಅದರ ಪೈಕಿ ಒಂದು ರಾಜ್ಯ ಸರ್ಕಾರದ ನಾಲ್ಕು ಭಾಗಗಳ ಪೈಕಿ ಇದು ಒಂದು ಮುಖ್ಯವಾದ ಭಾಗ. ಇದರೊಳಗೆ ಈಗ ನಾವು ಪಾಶ್ಚಿಮಾತ್ಯ ಪದ್ಧತಿಯನ್ನು ನುಸರಿಸುತ್ತ ಬಂದಿದ್ದೇವೆ. ಅದರಿಂದ ನಮ್ಮಲ್ಲಿ natural justice, legal justice ಎಂದು ಅನಾದಿಕಾಲದಿಂದ ಬಂದಿರುವುದು ಏನಿದೆ ಆ ಪದ್ಧತಿಯ ಮೇಲೆ ಈಗ legal justice ಸಿಕ್ಕುತ್ತದೆ. Natural justice, ಸ್ವಾಭಾವಿಕವಾದ ಮತ್ತು ನಿಜವಾದ ನ್ಯಾಯ ಸಿಕ್ಕುವುದಕ್ಕೂ ಕೊಡುವುದಕ್ಕೂ ಆಗುವುದಿಲ್ಲ.

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ. —Natural justice ಸಿಕ್ಕುವಂಥ ಮಾರ್ಗ ಹೇಳುತ್ತೀರಾ?

ಅಧ್ಯಕ್ಷರು.—Nature ನಲ್ಲಿ ಸಿಕ್ಕುತ್ತದೆ. ಎರಡನೆಯ ಕಡೆ ಸಿಕ್ಕುವುದಿಲ್ಲ.

Sri R. C. PATIL.—With regard to procedure, it is a very difficult matter ; all the Governments of the world should concede natural justice. It is a very difficult problem.

Sri B. D. JATTI.—My request is that Sri R. C. Patil should make a concrete suggestion.

Sri R. C. PATIL.—I am going to make it as far as possible.

Mr. SPEAKER.—As soon as a law is made, it becomes legal justice and not natural justice. The resume of law is that it should conform to the tenets of natural justice.

Sri R. C. PATIL.—That is the general principle.

Sri G. B. SHANKAR RAO (Hirekurur).—Is not equity natural justice?

Mr. SPEAKER.—Let us not enter into all that. It is for the Professors and Experts of law to consider.

ಶ್ರೀ ಆರ್. ಸಿ. ಪಾಟೀಲ್.—ತಾವು ಹೇಳಿದಂತೆ ತಜ್ಞರಿಂದೂ ಸಹ ನ್ಯಾಯಪಾಲನೆ ಮಾಡುವುದು ನಮ್ಮ ಕರ್ತವ್ಯವಿದೆ. ಆದುದರಿಂದ ನಾವೂ, ಸರ್ಕಾರದವರೂ ನಮ್ಮ ಕೋರ್ಟುಗಳು ಹೇಗೆ ನಡೆದಿವೆ, ನಮ್ಮ ಕೋರ್ಟುಗಳಲ್ಲಿ ಎಷ್ಟರಮಟ್ಟಿಗೆ ನ್ಯಾಯವು ಸಿಕ್ಕುತ್ತದೆ ಮತ್ತು ಅದರ ಪರಿಣಾಮ ಜನರಮೇಲೆ ಏನು ಆಗುತ್ತದೆ ಎನ್ನುತ್ತಿದ್ದನ್ನು ಮಾತ್ರ ತಿಳಿಯುವುದಿಲ್ಲ. ಮೊದಲಿನಿಂದಲೂ ನ್ಯಾಯವು ಅತ್ಯಂತ ಸುಲಭವಾದ ರೀತಿಯಲ್ಲಿ ದೊರೆಯಬೇಕು; ಮತ್ತು ಜನಗಳಿಗೆ ಯೋಗ್ಯವಾದ ನ್ಯಾಯವು ಆಗಬೇಕೆಂದು ನಾವು ಹೇಳುತ್ತಿದ್ದೇವೆ. ಅದರ ಬಗ್ಗೆ ಈಗ ನನ್ನನ್ನು ಕೇಳಿದಂತೆ ಇದಕ್ಕೆ ಮಾಹಿತಕ್ಕೆ ಅಭಿಪ್ರಾಯವೇನೆಂದರೆ, ಇದು ಪಾಶ್ಚಾತ್ಯರಲ್ಲಿನ ಪದ್ಧತಿಯಿಂದ ಬಂದಂಥಾದ್ದು. ಸಾಧ್ಯವಾದಮಟ್ಟಿಗೂ ನಾವು ಇವುಗಳನ್ನು ಅದಷ್ಟು ಕಡಮೆ ರೀತಿಯಲ್ಲಿ ಕಾಯಿದೆಗಳನ್ನು ಮಾಡಿ, ಕಾಯಿದೆಗಳ ಹಿಂದೆ ಜೀವನದ ನಾನಾ ಸ್ವರೂಪಗಳನ್ನು ಜಾಹೀರುಮಾಡಿ ವಿಶೇಷ ಕ್ರಮ ತೆಗೆದುಕೊಂಡರೆ, ಎಷ್ಟೋ ನ್ಯಾಯಗಳು ಕಡಮೆಯಾಗಿ ದೇಶದಲ್ಲಿ ಸುಖ ಶಾಂತಿಗಳು ನೆಲಸುತ್ತವೆನ್ನುವುದು ನನ್ನ ಅಭಿಪ್ರಾಯವಿರುತ್ತದೆ.

ಆ ಬಗ್ಗೆ ಅವರು ಹೇಳಿದಂತೆ Separation of Judiciary and the Executive ಎಂದು ಏನಿದೆ ಅದು ಇನ್ನೂ ಬೆಳೆದುಬಂದಿಲ್ಲ. ಅದರಿಂದ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಕಾನೂನುಗಳಿದ್ದರೂ ನಮ್ಮ ಕಡೆಗೆ ತೀರ್ಮಾನ ಕೊಟ್ಟಿದ್ದಾರೆ ಎನ್ನುವಂತಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಕೋರ್ಟಿಗೆ ಈಗ ಇರತಕ್ಕಂತೆ ತೊಂದರೆಗಳಿರಬಾರದು. Rule of law ಮೇಲೆ ಟೀಕೆ ಮಾಡುವುದು ಬಹಳ ಮಹತ್ವವುಳ್ಳ ಮುಖ್ಯವಾದ ಒಂದು ಭಾಗ. ಇದರ ಮಹತ್ವವನ್ನು ಕಡಮೆಮಾಡಿ ಕೊಂಡು ಬಂದಿದ್ದಾರೆ. ಈ Rule of Law ಗೆ ಹೆಚ್ಚಿನ ಮಾನ್ಯತೆ ಅತ್ಯಾವಶ್ಯಕ. ಹೆಚ್ಚಿನ ಅಧಿಕಾರ ಬೇಕು. Executive Powers ಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬಾರದು. ನಾವು ಇಲ್ಲಿ ಲೆಜಿಸ್ಲೇಷನ್‌ಗಳಲ್ಲಿ ಕುಳಿತು ಕಾಯಿದೆಗಳನ್ನು ತರಬಹುದು. ಯಾವುದಾದರೂ ಸಣ್ಣ ಫುಟ್ಟು ಕಾಯಿದೆಗಳನ್ನು ಕೆಲವು ಕಡೆ ಉಪಯೋಗಿಸುವಾಗ ಅವುಗಳಿಂದ ಸಾರ್ವಜನಿಕರಿಗೆ ಬೇರೆ ಅಭಿಪ್ರಾಯಗಳು ವ್ಯಕ್ತಪಡುತ್ತವೆ. ಅವನ್ನೆಲ್ಲ ಸರಿಯಾಗಿ ಜಾರಿಗೆ ತರದೆ ಇದ್ದರೆ ಅನೇಕ ವಿಧವಾದ ತೊಂದರೆಗಳು ಬರುತ್ತವೆ. ಇದರಿಂದೆಲ್ಲಕ್ಕೂ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಇವನ್ನೆಲ್ಲ ಸರಿಪಡಿಸಬೇಕು. ಇನ್ನು Jurisdiction ಬಗ್ಗೆ ಮುಖ್ಯವಾಗಿ ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ ವಾಸ್ತವವಾದ ಸ್ಥಿತಿಗಳು ಸರಿಯಾಗಿಲ್ಲ. ಕೂಡಲೆಕ್ಕೆ ಜಾಗಗಳಲ್ಲಿ, ಮತ್ತು ಆ ಬಗ್ಗೆ ಮಾಡುವ ಕೆಲಸ ಕಾರ್ಯಗಳಲ್ಲಿ ತೊಂದರೆ ಬಂದಿದೆ. Judgment Box ಗೆ, ಜನರಿಗೆ, ವಕೀಲಿ ಮಾಡತಕ್ಕವರಿಗೆ, ಕೂಡಲೆಕ್ಕೆ ನಿಂತುಕೊಳ್ಳಲೆಕ್ಕೆ ಸ್ಥಳವಿರುವುದಿಲ್ಲ. ಇನ್ನು ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ ಬೆಂಚುಗಳಲ್ಲಿ, ಕುರ್ಚಿಗಳಲ್ಲಿ, ಸರಿಯಾದ urinals, ಪಾಯಿಖಾನೆಗೆ ಸ್ಥಳಗಳಿಲ್ಲ. ಇಂತಹ ಸಾರ್ವತ್ರಿಕವಾಗಿರುವ ತೊಂದರೆಗಳನ್ನೆಲ್ಲ ಸರ್ಕಾರ ಪರಿಹಾರ ಮಾಡಬೇಕೆಂದು ಇಲ್ಲಿ ವ್ಯಕ್ತಮಾಡುತ್ತಿದ್ದೇನೆ.

ಅನೇಕ ಕಡೆಗೆ ಈಗ Travelling Courts ಎಂದರೆ ಉರಿಂದೂರಿಗೆ ಹೋಗುವ ನ್ಯಾಯಾಸ್ಥಾನಗಳು ಇವೆ. ಕೆಲವು ಹತ್ತು ದಿವಸಗಳು, ಇಪ್ಪತ್ತು ದಿವಸಗಳು ಹೀಗೆ ಕೂಡುವುದು ಅವಶ್ಯಕವಾಗುತ್ತದೆ. ಇವನ್ನು ಆದಷ್ಟು ಕಡಮೆಯಾಗಿ ಮಾಡಿ ಪ್ರತಿಯೊಂದು ತಾಲ್ಲೂಕಿಗೂ, ಮುಖ್ಯವಾದ ಕೆಲವು ವ್ಯಾಪಾರಸ್ಥಳಗಳಲ್ಲಿ ಈ ಕೋರ್ಟುಗಳಿರುವಂತೆ ಮಾಡಿದರೆ ಇದರಿಂದ ಸುಲಭವಾಗಿ, ಶೀಘ್ರವಾಗಿ ಕೆಲಸಗಳನ್ನು ಮಾಡಬಹುದೆಂದು ನಾನು ಇಲ್ಲಿ ವ್ಯಕ್ತ ಮಾಡುತ್ತೇವೆ. ಅಲ್ಲದೆ ಈಗ ಅನೇಕ ಸುಧಾರಣೆಗಳನ್ನು ತಾವು ಜಾರಿಗೆ ತಂದಿದ್ದೀರಿ. ಇದರಲ್ಲಿ Cognizable cases, Non-cognizable cases, Indian Penal Code, Criminal Procedure Code ಇವೆಲ್ಲ ಬಂದಿವೆ. ಇದರಿಂದ ಬಹಳ ತೊಂದರೆಯಾಗಿದೆ. ಈ Cognizable Cases ಗಳಲ್ಲಿ ಪರಿಭಾರಿ ಮಾಡುವಾಗ ಪೊಲೀಸು ಅಧಿಕಾರಿಗಳು ಕಾನೂನುಗಳನ್ನು ಜಾರಿಗೆ ತರುವ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿರುವುದರಿಂದ ಆದರೊಳಗಿನ ಕಟ್ಟಡಗಳನ್ನು ಪಾಲಿಸುತ್ತಿಲ್ಲ. ಇದರಿಂದಾಗಿ Non-cognizable ಮತ್ತು Cognizable Cases ಗಳಿಗೆ ಬಹಳ ತೊಂದರೆಯಾಗಿದೆ. ಆದುದರಿಂದ ಸರಕಾರದವರು ಒಂದು Uniform ಆಗಿ ಕಾನೂನನ್ನು ಮಾಡಿ ಬೇರೆ ಬೇರೆ ಕಡೆಗಳಿಗೆ ಎಷ್ಟು ರಮುಟ್ಟಿಗೆ ಸರಕಾರ ನಹಾಯ ಸಲಕರಣೆಗಳನ್ನು ಕೊಡಬಹುದು ಎನ್ನುವುದನ್ನೆಲ್ಲ ಪರಿಶೀಲಿಸಿ ಮಾಡಿದರೆ ಎಷ್ಟೋ ಕಡೆಗಳಲ್ಲಿ ಇದರಿಂದ ಅನ್ಯಾಯವಾಗದಂತೆ ಒಂದು ಸುಧಾರಣೆಯಾಗುತ್ತದೆ ಎನ್ನುವ ಸೂಚನೆಯನ್ನು ಮಾಡಬಯಸುತ್ತೇನೆ.

ಇನ್ನು ಜೈಲಿನ ಸುಧಾರಣೆಯ ಬಗ್ಗೆ ಕೆಲವು ಮಾತುಗಳನ್ನು ಹೇಳುತ್ತೇನೆ. ಈ ಜೈಲಿನ ಕೆಲವು ಸುಧಾರಣೆಗಳನ್ನು ಮಾಡಿ ಜೈಲು ಖೈದಿಗಳಿಗೆ ಅನುಕೂಲ ಮಾಡಿರುವುದು ಸ್ತುತ್ಯವಾದುದು ಮತ್ತು ಯೋಗ್ಯವಾಗಿದೆ.

[SMT. K. S. NAGARATNAMMA in the Chair].

ಇದರ ಸಲುವಾಗಿ ಕಾನೂನು ಮಾಡುವಾಗ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಯಾವುದನ್ನೂ ಅತೀರಕವಾಗಿ ಮಾಡಲು ಹೋಗಬಾರದು. ಬೇಕಾದಷ್ಟು ಸವಲತ್ತುಗಳನ್ನು ಕೊಡುತ್ತಿದ್ದಾರೆಂದು ಎಷ್ಟೋ ಜನ ಹೋರಗಿರುವುದಕ್ಕೆಂತ ಜೈಲಿನಲ್ಲಿರುವುದೇ ಒಳ್ಳೆಯದೆಂದು ಭಾವನೆ ಬರುತ್ತದೆ. ಅದರಿಂದಾಗಿ ಇದನ್ನು ಸರಿಯಾಗಿ ಆಲೋಚನೆಮಾಡಬೇಕೆಂದು ನಾನು ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

ಮತ್ತು ಈ ಜೈಲಿನಲ್ಲಿರುವ ಖೈದಿಗಳಿಂದ ಅನೇಕ ಉತ್ಪನ್ನಗಳು ಬರುವಂತಹ ಕೆಲವು ಕೈಗಾರಿಕೆಗಳನ್ನು ಮಾಡಿ ಅದರಿಂದ ಸುಮಾರು ಐದಾರು ರಿಕ್ಷಾರಿಪಾಯಿಗಳಷ್ಟು ಬಂದಿದೆ ಎಂದು ಇಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಇದು ಸ್ತುತ್ಯವಾದ ವಿಷಯ. ಇದರಿಂದ ಇನ್ನೂ ಹೆಚ್ಚಿನ ಉತ್ಪನ್ನಗಳು ಬರುವಂತೆ ಮಾಡಲು ಈ ಜೈಲುಗಳನ್ನು ಇನ್ನೂ self-sufficient ಆಗಿ ಮಾಡಿ ತನ್ನ ಕಾಲಿನ ಮೇಲೆ ತಾನೇ ನಿಲ್ಲುವಂತೆ ಮಾಡಿದರೆ ಇನ್ನೂ ಉಪಯೋಗವಾಗುತ್ತದೆ.

ಇಷ್ಟು ಸೂಚನೆಗಳನ್ನು ಕೊಟ್ಟು ಇಲ್ಲಿ ಕೇಳಿರುವ ಬೇಡಿಕೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಬೇಕೆಂದು ಹೇಳಿ ಈ ನನ್ನ ಜಿಲ್ಲೆಯ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ (ತುಮಕೂರು).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಈ ದಿವಸ ನಮ್ಮ ಮುಂದೆ ಇರತಕ್ಕಂಥ

ಡಿಮಾಂಡುಗಳನ್ನು ವಿರೋಧಿಸುತ್ತ ನಾಲಾರು ಮಾತುಗಳನ್ನು ಹೇಳಬೇಕೆಂದು ನಿಂತಿದ್ದೇನೆ.

ಇಡೀ ಮೈಸೂರು ದೇಶದ ವಿರೋಧ ಪಕ್ಷದ ಸದಸ್ಯರುಗಳು ಏನು ಕೆಲಸ ಮಾಡುತ್ತಾರೆ, ಯಾವ ರೀತಿ ವರ್ತಿಸುತ್ತಿದ್ದಾರೆ. ಎಂದರೆ, ಸರಕಾರಿ ಪಕ್ಷದಲ್ಲರತಕ್ಕ ಸದಸ್ಯರುಗಳಿಗೆ ಎಷ್ಟು ಜವಾಬ್ದಾರಿ ಇದೆವೋ ಅದಕ್ಕೆ ಹತ್ತರಷ್ಟು ಜವಾಬ್ದಾರಿಯಿಂದ ವಿರೋಧಪಕ್ಷ ಕೆಲಸ ಮಾಡುತ್ತಿದೆ ಎಂದು ನಾನು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ವಿರೋಧ ಪಕ್ಷದವರು ಒಂದು ಸುಳ್ಳನ್ನು ಆಡಿದರೆ ನಮ್ಮ ತಲೆ ಕೆಳಗಾಗುತ್ತದೆ. ಆದರೆ ಸತ್ಯಕ್ಕೆ ದೊರವಾಗಿ ಹೋಗುವುದಿಲ್ಲ. ಅನ್ಯತವನ್ನು ಆಡಿದರೆ ಎಲ್ಲ ಜನಗಳಲ್ಲಿಯೂ ನಂಬಿಕೆ ಖಂಡಿತ ಬಿಟ್ಟುಹೋಗುತ್ತದೆ, ಇದನ್ನು ನಾವು ಚೆನ್ನಾಗಿ ತಿಳಿದಿದ್ದೇವೆ. ಅನ್ಯತವನ್ನು ನುಡಿದಾಗ ಅದಕ್ಕೆ ಮುರಾದ ಕಡಮೆ. ಮೊನ್ನೆ ಗವರ್ನರವರ ಅಡ್ರೆಸ್ಸಿನ ಬಗ್ಗೆ ನಾನು ಮಾತನಾಡಿದಾಗ ಕೆಲವು ಮಂತ್ರಿಗಳು ನಾನು ಹೇಳುವುದು ಸಳ್ಳು, ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಯಾವುದೋ ವಿಚಾರದಲ್ಲಿ ಸಿವಿಲ್ ಮತ್ತು ಪ್ರಿವಿನ್ಯರ್ ಕೇಸುಗಳ ಬಗ್ಗೆ ಜಡ್ಜಿಗಳು ನಡುವೆ ಮಿನಿಸ್ಟರುಗಳು interfere ಮಾಡಿದರು ಎಂದು ಪುಟ್ಟಣ್ಣನವರು ಹೇಳಿದ್ದು ಸುಳ್ಳೆಂದು ಚೀಫ್ ಮಿನಿಸ್ಟರ ಕೈಲಿ ಹೇಳಿಸಿದರು. ಇದು ಹೇಗಿದೆ ಎಂದರೆ ಕಾರುಕ್ಲೇತದ ಯುದ್ಧದಲ್ಲಿ ಧಮರಾಯನ ಬಾಯಲ್ಲಿ “ಆಶ್ವತ್ಥಾಮೋಹತಃ ಕುಂಜರಃ” ಎಂದು ಹೇಳಿಸುವಾಗ ಶ್ರೀ ಕೃಷ್ಣನು ಶಂಬವನ್ನು ಊದಿದಂತೆ, ಚೀಫ್ ಮಿನಿಸ್ಟರ ಕೈಯಲ್ಲಿ ಹೇಳಿಸಿದರು. ಈ ರಾಜ್ಯದ ಹೈಕೋರ್ಟಿನಂತೆ ಜಡ್ಜಿಗಳು ಬಿಗಿಯಾಗಿ ಇಲ್ಲದಿದ್ದರೆ ಈ ಮಂತ್ರಿಗಳನ್ನು ಬಗ್ಗಿಸುವುದಕ್ಕೆ ಆಗುತ್ತಿರಲಿಲ್ಲ. ಮಿನಿಸ್ಟರುಗಳ Interference ವಿಪರೀತವಾಗಿಲ್ಲದಿದ್ದರೆ ಒಬ್ಬ ಮುನ್ಸೀಫರನ್ನು ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಜಡ್ಜಿಗಳು 24 ಗಂಟೆಗಳೊಳಗಾಗಿ ಟ್ರಾನ್ಸ್‌ಫರ್ ಆಗುವಂತೆ ಆರ್ಡರಾಗುತ್ತಿತ್ತೇ? ಇದಕ್ಕೆ ರುಜುವಾತು ಬೇಕಾದರೂ ಕೊಡಬೇಡಿ. ಎಂದರೆ, ಈ Justice ವಿಚಾರದಲ್ಲಿ ಮಂತ್ರಿಗಳು ಹೀಗೆ Interfere ಮಾಡದಿದ್ದರೆ ಹೇಳಲಿ. ಉತ್ಪ್ರೇಕ್ಷೆಯಿಂದ ಮಾಡುತ್ತಿದ್ದೇವೆಂದು ಹೇಳುತ್ತಾರೆ. ತಮ್ಮ ಜನಗಳು ಇರುವ ಕಡೆಗೆ ಮುನ್ಸೀಫ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರುಗಳನ್ನು ಹಾಕುತ್ತಿದ್ದಾರೆ. ಹೀಗೆ ನಾವು ಹೇಳುತ್ತಿರುವಾಗ ಇದರ ಅರ್ಥವೇನು ಎನ್ನುವುದನ್ನು ಆಲೋಚನೆ ಮಾಡಬೇಕು.

Civil Cases ಮತ್ತು Criminal Cases ಮತ್ತು Revenue Cases ಇವುಗಳಲ್ಲಿ Pending Case ಗಳನ್ನು ಕೊಡಬೇಕೆಂದು ಕೇಳಿದರೂ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಕೊಡಲಿಲ್ಲ. X is the son of Y and B ನಾನು ಯಾವ ಹೆಸರನ್ನೂ ಹೇಳುವುದಿಲ್ಲ. ಕೆಲವು ಉದಾಹರಣೆಗಳನ್ನು ಮಾತ್ರ ಹೇಳುತ್ತೇನೆ. ಈಗಲೂ ಎಷ್ಟೋ Revenue Case ಗಳು pending ಇವೆ. ಈ ನಮ್ಮ ಸಿವಿಲ್ ಮತ್ತು ಪ್ರಿವಿನ್ಯರ್ ಕೋರ್ಟುಗಳಲ್ಲಿ ಪ್ರತಿನಿತ್ಯವೂ ಇನ್ನೂ ರಿಂದ ಮುನ್ನೂರು ಜನ ರೈತರು ತಮ್ಮ ಕೇಸುಗಳಿಗಾಗಿ ಬರುತ್ತಿರುತ್ತಾರೆ. ಈಗೇ ನೋಡಿಸದಾಗಿ ಬಂದಿರುವ ಚೀಫ್ ಜಸ್ಟಿಸ್‌ರವರ ಆರ್ಡರಿನಂತೆ ಎಲ್ಲ ಕಡೆಗಳಲ್ಲಿ ಮುನ್ಸೀಫರುಗಳು ಮತ್ತು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರುಗಳು ಹನ್ನೊಂದು ಗಂಟೆಗೆ ಸರಿಯಾಗಿ ಕೋರ್ಟಿಗೆ ಬಂದು ಕುಳಿತುಕೊಳ್ಳುತ್ತಾರೆ ಆದರೆ ಕೇಸುಗಳನ್ನು ವಿಚಾರಣೆ ಮಾಡುವಾಗ ಎಷ್ಟು ಕೇಸುಗಳನ್ನು ಆಯಾ ದಿನಗಳಲ್ಲಿ ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆನ್ನುವುದನ್ನು ಸರಿಯಾಗಿ ತಿಳಿಸದೆ ಬೆಳಗಿನಿಂದ ನಂಜೆಯವರೆಗೂ ರೈತಾಪಿ ಜನಗಳು ಕುಳಿತು ನಿಂತಿರಾಗಿ ಕೊನೆಗೆ ಕೇಸುಗಳು ಅರ್ಜಿಮೆಂಟು ಆತ

(ಶ್ರೀ ಬಿ. ಎ. ಪುಟ್ಟಣ್ಣ)

ಅವರುಗಳು ಹಳ್ಳಿಗಳಿಗೆ ಹೋಗಲು ಸಂಜೆಯಾಗುತ್ತದೆ. ಆಗ ಅವರಿಗೆ ಬಸ್ಸು ಸಿಕ್ಕುವುದಿಲ್ಲ ಅದರಿಂದಾಗಿ ಅವರ ಕಷ್ಟಗಳನ್ನು ಭಗವಂತನೇ ಕಾಪಾಡಬೇಕು. ಇವೆಲ್ಲ ನಮ್ಮ ಸರ್ಕಾರಕ್ಕೆ ಎಂದಿಗೂ ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಹಳ್ಳಿಯ ರೈತರ ಕಷ್ಟ ಹೇಗಿದೆ ಎನ್ನುವುದಕ್ಕೆ ಒಂದೇ ಒಂದು ಉದಾಹರಣೆ ಕೊಡುತ್ತೇನೆ.

ತುಮಕೂರಿನಲ್ಲೇ ಒಂದು ಕೋರ್ಟಿಗೆ ದಿನಕ್ಕೆ 300-400 ಜನ ರೈತರು ಅವರ ಸಿವಿಲ್ ಅಥವಾ ಕ್ರಿಮಿನಲ್ ಕೇಸುಗಳಿಗಾಗಿ ಬರುತ್ತಾರೆ. ಹೀಗೆ ಎಷ್ಟೋ ಜನರು ತುಮಕೂರಿನ ಕೋರ್ಟು ಒಂದೇ ಅಲ್ಲ, ತಿಪಟೂರು, ಮಧುಗಿರಿ ಕೋರ್ಟುಗಳಿಗೂ ಬರುತ್ತಿರುತ್ತಾರೆ. ಆದರೆ ಇವರ ಅನುಕೂಲಕ್ಕಾಗಿ ಯಾವ ಕೋರ್ಟಿನಲ್ಲೂ ಕೂಡ ಕುಳಿತುಕೊಳ್ಳುವುದಕ್ಕೆ ಒಂದು ರಾಯಕ್ಕಾದ್ದೆ ಕೂಡ ಇಲ್ಲ. ಅವರೆಲ್ಲ ಬಿಸಿಲಿನಲ್ಲಿ ಸತ್ತು ನುಣ್ಣು ವಾಗಿ ಕೋರ್ಟುಗಳಿಗೆ ಬಂದು ಈ ರೈತರ ಮನೆಗಳು ನಾಶವಾಗಿ ಹೋಗುತ್ತದೆ. ಇಷ್ಟೆಲ್ಲ ನಮ್ಮ Administration of Justice ನಲ್ಲಿದೆ.

ಇನ್ನೊಂದು ವಿಷಯ. ತಾವು 107-109ನೆಯ ಸೆಕ್ಯೂರಿಟಿ ಸೆಕ್ಷನ್‌ಗಳ ಪ್ರಕಾರ ಕೇಸುಗಳನ್ನು ಹಾಕುತ್ತೀರಿ. ಅಂಥಾದ್ದನ್ನು ಯಾವುದೋ ಪ್ರಾಸಿಕ್ಯೂಟಿಂಗ್ ಸಬ್ ಇನ್‌ಸ್ಪೆಕ್ಟರ್ ಕೈಗೆ ಕೊಡುತ್ತೀರಿ.....

11-30 A.M.

ಶ್ರೀ ಬಿ. ಸುಬ್ರಹ್ಮಣ್ಯ—ಇಲ್ಲಿ ಒಂದು ವಿಷಯವನ್ನು ನಾವು ಸ್ಪಷ್ಟವಾಗಿ ಅರ್ಥಮಾಡಿಕೊಳ್ಳುವುದು ಉತ್ತಮ. ಹೈಕೋರ್ಟಿನ ಆದಳತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯದಲ್ಲಿ ಇಲ್ಲಿ ಹೆಚ್ಚಿಗೆ ಮಾತನಾಡುವುದರಿಂದ ಏನೂ ಹೆಚ್ಚಿನ ಪ್ರಯೋಜನವಾಗುವುದಿಲ್ಲ. ಸರ್ಕಾರದವರಿಗೆ ಅವರಮೇಲೆ ಅಧಿಕಾರವಿರುವುದಿಲ್ಲ. With regard to the superintendence over courts—for example witnesses being made to wait; too many cases being posted and all the witnesses being summoned to be present at 11 o'clock—these are all matters over which Government have no control. Unnecessarily you will be talking about them.

Sri G. N. PUTTANNA.—I protest against the remarks of the Law Minister. It is my right to bring to the notice of the High Court through you that there are such difficulties to the raiyats. ಯಾವ ರೀತಿ ಸರಿಪಡಿಸಬೇಕೆಂದು ಇಂಡಿಯಾ ಸರ್ಕಾರದವರಿಗೆ ಬರೆಯಲಿ ರೈತ ಹಾಳಾಗುತ್ತಿದ್ದಾನೆಂದು ಹೇಳಿ. ಲಕ್ಷಾಂತರ ರೂಪಾಯಿ ಕೊಡುವಾಗ, ರೈತನ ಮನೆ ಹಾಳಾಗಬೇಕೆಂದು ಹೇಳುತ್ತೀರಾ! ನಮ್ಮ ಸ್ಥಿತಿಗತಿಗಳು ಹೀಗಿರುವಾಗ ತಾವೇಕೆ ಇಲ್ಲಿ ಕುಳಿತಿದ್ದೀರಿ? ಇಂಡಿಯಾ ಪ್ರೆಸಿಡೆಂಟರಿಗೆ ಬರೆಯಿರಿ. ಮೈಸೂರು ಸರ್ಕಾರದಮೇಲೆ 38 ರಿಟ್ ಕೇಸುಗಳನ್ನು ಹಾಕಿ ಸರ್ಕಾರಕ್ಕೆ ಎಲ್ಲ ಸಂದರ್ಭಗಳಲ್ಲೂ against ಆಗಿದೆಯಲ್ಲಾ! ಶ್ರೀ ಇ. ಎಸ್. ವೆಂಕಟರಾಮಯ್ಯನವರು ಎಂಬ ಒಬ್ಬ ಚಿಕ್ಕವಯಸ್ಸಿನ ಅಡ್ವೋಕೇಟರು 38 ಕೇಸುಗಳನ್ನು ಹಾಕಿ ಅಪ್ಪರಲ್ಲಿ ಗೆದ್ದಿದ್ದಾರೆಂದರೆ 1,000 ರೂಪಾಯಿ, 3,000 ರೂಪಾಯಿ ಸಂಬಳ ಕೊಟ್ಟು IAS, ICS ಆಫೀಸರನ್ನು ಟ್ಟುಕೊಂಡು ಕೆಲಸಮಾಡುವ ಮಂತ್ರಿಗಳಿಗೆ ನಾಚಿಕೆ

ಯಾಗುವುದಿಲ್ಲವೇ? ಮಂತ್ರಿಗಳು ಹೈಕೋರ್ಟಿನ ವಿಚಾರದಲ್ಲಿ ತಾವೇನೂ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಶಕ್ತಿ ಇಲ್ಲದಿದ್ದರೆ ಆ ಸ್ಥಾನವನ್ನು ಬಿಟ್ಟುಬಿಡಿ. ನಾವು ಏನು ಮಾಡಬೇಕೋ ಮಾಡಿ ತೋರಿಸುತ್ತೇವೆ. ಪ್ರೊಹಿಬಿಷನ್ ಕೇಸುಗಳಲ್ಲಿ disposal ಕಮ್ಮಿ ಎಂದು ಹೇಳುತ್ತೇವೆಂದು ಮೂಸಿನೋಡಿ ವಾಸ ನೆನೋಡಿ ಕೇಸುಹಾಕಿದ್ದೇವೆ ಎಂದು ಹೇಳಿ, ಬಡವರನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವಂತೆ ಬೋರ್ದಿನ conviction ಪಡೆಯುತ್ತೀರಿ. ಒಬ್ಬನ ಬದಲು ಇನ್ನೊಬ್ಬನನ್ನು ತಂದು ನಿಲ್ಲಿಸಿ disposal ಪಡೆದಿದ್ದೀರಿ. ಕೆಂಡುಹಿಡಿಯಲ್ಪಟ್ಟ ಕೇಸುಗಳ ಸಂಖ್ಯೆಯನ್ನು ಹೇಗಾದರೂಮಾಡಿ ಜಾಸ್ತಿ ಮಾಡಬೇಕೆಂದು ಈ ರೀತಿಯಾಗಿ ಎಲ್ಲಾ ಅನ್ಯಾಯ ಮಾಡುತ್ತಿದ್ದಾರೆ. Brothel Act ಯಾವರೀತಿ ನಡೆಯುತ್ತಿದೆ ನೋಡಿ. ಅಣ್ಣತಂಗಿ ಒಂದು ಮನೆಯಲ್ಲರುವುದೂ ಇದರಿಂದಾಗಿ ಕಷ್ಟವಾಗಿದೆ. ಶ್ರೀ ಜಂಬಣ್ಣನವರು ಮೊನ್ನೆ ತಾನೆ ಹೇಳಿದ ಪ್ರಸಂಗಗಳನ್ನು ಕೇಳಿದಮೇಲೆ ಸರ್ಕಾರದವರು ತರೆ ತಗ್ಗಿಸಬೇಕು. ಅನ್ಯತಹೇಳಿದರೆ ಅರ್ಥಾಯುಷ್ಯ ಎಂದು ನಾನು ತಿಳಿದುಕೊಂಡು ನಾನೆಂದೂ ಅನ್ಯತವನ್ನು ಹೇಳುವುದಿಲ್ಲ. ಒಬ್ಬ ಪೊಲೀಸ್ ಸಬ್ ಇನ್‌ಸ್ಪೆಕ್ಟರ್, ಅಣ್ಣತಂಗಿ ಒಂದು ಮನೆಯಲ್ಲಿದ್ದಾರೆಂದು ಅವರ ಮನೆಗೆ ಹೋಗಿದ್ದಾಗ ಅವರನ್ನು ಪರಕೆಯಲ್ಲಿ ಹೊಡೆದು ಅಟ್ಟಿದ್ದು ನನಗೆ ಗೊತ್ತಿದೆ. ಅದಾದಮೇಲೆ ಅವರಮೇಲೆ ಕೇಸುಹಾಕಿ ಕೋರ್ಟಿನಲ್ಲಿ conviction ಕೊಡಿಸಿದ್ದಾರೆಂದಮೇಲೆ, ಇನ್ನು ಅನ್ಯಾಯ ಎಷ್ಟರಮಟ್ಟಿಗೆ ಹೋಗಿದೆಯೆನ್ನೋಣ.

ಅಮೇಲೆ, ತಿಪಟೂರಿನಲ್ಲಿ ಹಿಂದೆ ಕ್ರಿಮಿನಲ್ ಕೋರ್ಟು, ಸಿವಿಲ್ ಕೋರ್ಟು ಎಂದು ಎರಡು ಕೋರ್ಟು ಇದ್ದುದನ್ನು ತಪ್ಪಿಸಿ ಅಲ್ಲಿಗೆ ಒಬ್ಬರೇ ಮುನಿಸೀಫರನ್ನು ಹಾಕಿದರು. ಇಂದು ಅಲ್ಲಿನ ಜನರ ಕಷ್ಟ ಏನು ಹೇಳೋಣ. ಸಾವಿರಾರು ಕೇಸುಗಳಿವೆ. ಮೂರು ತಿಂಗಳಿಂದ ಮುನಿಸೀಫರೂ ಇಲ್ಲ, ಹೇಳುವವರು—ಕೇಳುವವರು ಯಾರೂ ಇಲ್ಲ: ಎರಡು ಕೋರ್ಟುಗಳನ್ನು ಈಗಲಾದರೂ ಮತ್ತೆ ಏರ್ಪಡಿಸಿ ಆ ಕೇಸುಗಳ ತೀರ್ಮಾನಕ್ಕೆ ಬೇಗ ಏರ್ಪಡುವಾಡಿರಿ. Justice delayed is justice denied ಎಂಬುದನ್ನು ಮರೆಯಬೇಡಿ. ರೈತರಿಗೆ ಬಹಳ ಕಷ್ಟವಾಗಿದೆ.

ಇನ್ನೊಂದೇನೆಂದರೆ, ನೀವೂ ರಾಯರಾಗಿದ್ದವರು, ಬಸವಲಿಂಗಪ್ಪನವರಿಗೆ ಕೋರ್ಟಿನ ವ್ಯವಹಾರವೆಲ್ಲಾ ಗೊತ್ತಿದೆ. ಕ್ರಿಮಿನಲ್ ಕೋರ್ಟಿನಲ್ಲೇ ಆಗಲ, ಸಿವಿಲ್ ಕೋರ್ಟಿನಲ್ಲೇ ಆಗಲ ಯಾವುದೊಂದು ಕೇಸು ದಾಖಲಾಗಬೇಕಾದರೂ ಕ್ಲರ್ಕ್‌ಗೆ ಹಣ ಕೊಡಬೇಕು. ಇಲ್ಲವೆಂದು ಹೇಳುವವರು ನನ್ನ ಜೊತೆಯಲ್ಲಿ ಬರಲಿ, ತೋರಿಸಿಕೊಡುತ್ತೇನೆ. ಒಂದು Possession ತೆಗೆದು ಕೊಳ್ಳಬೇಕಾದರೆ ಲಂಚ ಕೊಡಬೇಕು. 'ಕಾಫಿ' ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಲಂಚ ಕೊಡಬೇಕು. ಇದಕ್ಕೆ ಕಾರಣರು ಯಾರೆಂದರೆ, ಸರ್ಕಾರದವರೇ. ಸರ್ಕಾರದಲ್ಲಿ ಬಿಗಿ ಇಲ್ಲ. ಅವರುಗಳಿಗೆ ಕೊಡತಕ್ಕ ಸಂಬಳವೂ ಕಡಮೆ. ಹೀಗಾಗಿ ರೈತರು ಲಂಚ ಕೊಟ್ಟು ಕೊಟ್ಟು ಸಾಯುತ್ತಿದ್ದಾರೆ. ಶ್ರೀ ಕೋಲಾಪಳೆಯವರು ಮಂತ್ರಿಗಳಹತ್ತಿರ ಗಲಾಟೆ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಅವರಿಗೆ ತೊಂದರೆ ಮಾಡಬಾರದು.

Sri S. D. KOTHAVALA (Chikodi).—I think the Hon'ble Member should withdraw that allegation.....

Sri G. N. PUTTANNA.—I am not yielding, Sir.

Sri S. D. KOTHAVALA.—I rise to a point of order. Every member is expected to do his work honestly and with a sense of integrity and propriety. I am just saying to the Hon'ble Minister something which would be very useful to the debate, and it is very wrong to attribute a motive to me that I was doing *galata*. I think he should withdraw the word.

Mr. CHAIRMAN (Smt. K. S. Nagaratnamma).—There is no point of order involved.

Sri S. D. KOTHAVALA.—It is unfortunate that a senior member does not understand the implication of the word *galata*.

ಶ್ರೀ ಜಿ. ಎಫ್. ಪುಟ್ಟಣ್ಣ.—ಇನ್ನೊಂದು ವಿಚಾರ. ನಾನು ಯಾರಮೇಲೆಯೂ ದೋಷಾರೋಪಣೆ ಮಾಡುತ್ತಿಲ್ಲ. ಮೈಸೂರಿನಲ್ಲಿ ಯಾವರೀತಿ ಕಷ್ಟವಿದೆ, ರೈತರ ಕಷ್ಟವೇನು, ಬಡ ಗುಮಾಸ್ತರ ಕಷ್ಟವೇನು ಎಂಬುದನ್ನು ಮಂತ್ರಿಗಳಿಗೆ ಹೇಳುತ್ತಿರುವಾಗ ಯಾರೂ ಗಲಾಟೆ ಮಾಡಕೂಡದು, ನಿಶ್ಚಯವಿಲ್ಲದಿರಬೇಕೆಂದು ಹೇಳಿದನೇ ಹೊರತು ಮತ್ತೇನೂ ಅಲ್ಲ. ಒಟ್ಟಿನಲ್ಲಿ ಹೇಳುವುದಾದರೆ ನಮ್ಮ ದೇಶದಲ್ಲಿ ರಾಜಕೀಯ Judicial ಆಡಳಿತದಲ್ಲಿ ಇನ್ನಾವ ದೇಶದಲ್ಲೂ ಇಲ್ಲ. ರಷ್ಯಾದೇಶದಲ್ಲಿ ನೋಡಿ.....

ಒಬ್ಬ ನಡೆಸರು.—ತಾವು ಯಾವಾಗ ಅಲ್ಲಿಗೆ ಹೋಗಿದ್ದೀರಿ ?

ಶ್ರೀ ಜಿ. ಎಫ್. ಪುಟ್ಟಣ್ಣ.—ನಾನು ಅಲ್ಲಿಗೆ ಹೋಗಬೇಕಾಗಿಲ್ಲ. 'ಕೆಲವು ಬಿಲ್ಲವರಿಂದ ಕಲ್ಪ' ಎಂದು ತಿಳಿದವರಿಂದ ಕೇಳಿ ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಅಲ್ಲಿ ಹಳಗಾಡಿನಲ್ಲಿ ನ್ಯಾಯಾಸ್ಥಾನಗಳನ್ನೆಲ್ಲಾ ಇಂಥ ದಿವಸ ಇಂಥವರ ಕೇಸು ತೆಗೆದುಕೊಳ್ಳುತ್ತೇವೆಂದು ಹೇಳಿದರೆ, ಅಂಥ ದಿವಸ ಅದನ್ನು ತೆಗೆದುಕೊಂಡು ಮುಗಿಸುತ್ತಾರೆ. ಆದೇ ನಮ್ಮ ದೇಶದಲ್ಲಿನ ನ್ಯಾಯಾಡಳಿತದಿಂದ ರೈತನ ಮನೆ ಹಾಳಾಗುತ್ತದೆ. ರೈತ ಕೋರ್ಟಿಗೆ ಹೋಗುವುದೇ ತಡ, ಸ್ವಾಮಿಗೆ ದುಡ್ಡು, ಸ್ವಾಂಪ್ ಕೊಡುವವರಿಗೆ ದುಡ್ಡು, ಕಾಪಿ ಕೊಡುವವನಿಗೆ ದುಡ್ಡು—ಈ ರೀತಿಯಲ್ಲಾ ಕಿತ್ತುಕೊಂಡು ಅವನನ್ನು ಹಾಳುಮಾಡುತ್ತಿದ್ದಾರೆಂಬ ಕೂಗು ಎಲ್ಲೆಲ್ಲೂ ಇದೆ.

ಜೊತೆಗೆ ಇನ್ನೊಂದು ಕಷ್ಟ. ಬೆಂಗಳೂರಿನಲ್ಲಿ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕೋರ್ಟ್ ಒಂದುಕಡೆಯಿದೆ; ಮುನ್ಸಿಪಲ್ ಕೋರ್ಟ್ ಒಂದುಕಡೆಯಿದೆ; ಮುನ್ಸಿಪಲ್ ಕೋರ್ಟ್ ಮತ್ತೊಂದು ಕಡೆ, ಟ್ರಿಬ್ಯುನಲ್ ಎಂದು ಇನ್ನೊಂದು ಕಡೆ—ಹೀಗೆಲ್ಲಾ ಇದ್ದು ಇತ್ತ ರಾಯರಿಗೂ ಕಷ್ಟ, ಅತ್ತ ರೈತರಿಗೂ ಕಷ್ಟ.

ಇನ್ನೊಂದು ವಿಚಾರ. ಮೈಸೂರು ದೇಶದಲ್ಲಿ ಹಾಲ ಕೆಲವು ಬೆಂಗಳೂರು ಆಡ್ಮಿನಿಸ್ಟ್ರೇಟರ್‌ಗಳಿದ್ದಾರೆ. ಅವರುಗಳು ರಾ-ಗ್ರಾಜುಯೇಟರ್‌ಗಳಾಗಿದ್ದರೂ ಒಬ್ಬರನ್ನೊಬ್ಬರು ಮುನಿಸಿಪಲ್‌ರಾಗಿ ಇದುವರೆಗೂ ನೇಮಕಮಾಡಿಲ್ಲ.

ಇನ್ನೊಂದು ಕಟ್ಟಪದ್ಧತಿ ಇಲ್ಲಿ ಆಚರಣೆಯಲ್ಲಿದೆ. ಕೆಲವು ಜನ ಗುಮಾಸ್ತರನ್ನು ಮುನಿಸಿಪಲ್‌ರಾಗಿ ಅಥವಾ ಮಾಜಿಸ್ಟ್ರೇಟ್‌ರಾಗಿ ನೇಮಿಸುತ್ತೀರಿ. ಆದರೆ ಅವರು ಎಲ್ಲಿ ಹಿಂದೆ ಕೆಲಸಮಾಡುತ್ತಿದ್ದರೋ ಅಲ್ಲಿಗೇ ಅವರನ್ನು Post ಮಾಡುತ್ತೀರಿ. ಬೇರೆ ಯಾವುದಾದರೂ ಕಡೆಗೆ ಹಾಕುವುದು ಒಳ್ಳೆಯದೆಂದು ಹೇಳುತ್ತೇನೆ.

ಅಮೇಲೆ, ಪ್ಯಾಸಿಕ್ಯೂಟಿಂಗ್ ಸಬ್ ಇನ್‌ಸ್ಪೆಕ್ಟರುಗಳೆಂದು ತಾವು ನೇಮಕಮಾಡಿದ್ದೀರಲ್ಲಾ ಅವರ ಅರ್ಹತೆಗಳನ್ನು ಕುರಿತು ಏನೆಂದು ಹೇಳಲಿ! ಅವರಿಗೆ ಒಂದು ಖಾಸಿ ಕೇಸು ಬಂದರೆ ಸಾಕ್ಷಿಯನ್ನು ಯಾವರೀತಿ examine ಮಾಡಬೇಕೆಂಬುದೇ ಗೊತ್ತಿರುವುದಿಲ್ಲ. ಯಾವನೂ ಪೊಲೀಸ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನಲ್ಲಿ ಚೆನ್ನಾಗಿ ಕೆಲಸಮಾಡುತ್ತಿಲ್ಲ, ಅಂಥ condemn ಆದ ಜನರನ್ನು ಅಲ್ಲಿಗೆ ನೇಮಿಸುತ್ತೀರಿ: ಶೇಕಡ 99 ಜನ ಎಲ್ಲರೂ ಇಂಥವರನ್ನೇ ತಾವು ನೇಮಿಸಿರುವುದು. ಕೇಸುಗಳ ವಿಷಯವೇ ಅವರಿಗೆ ಗೊತ್ತಿರುವುದಿಲ್ಲ. ಬಂದ ಕೇಸುಗಳೆಲ್ಲಾ 'ಫನಾ'!

ಹೀಗಾದರೆ ನ್ಯಾಯ ದೊರೆಯುವುದಿಲ್ಲ. ನೀವು ದೊಡ್ಡ ರಾಯರ್ ಆಗಿದ್ದೀರಿ. ನೀವು ನಿಂತರೆ ಕೋರ್ಟು ನಡಗುತ್ತಾ ಇತ್ತು. ನೀವು ದಯವಿಟ್ಟು ನಾನು ಹೇಳಿದ್ದನ್ನೆಲ್ಲಾ ಸರಿಪಡಿಸಬೇಕು. ಏನೋ ಅಧಿಕಾರವಿದೆ, ಅದನ್ನು ಚಲಾಯಿಸುತ್ತೇವೆಂದು ಹೋಗಬೇಡಿ. ದೇಶದ ಹಿತದೃಷ್ಟಿಯನ್ನು ಮನಸ್ಸಿನಲ್ಲಿಟ್ಟು ಕೊಂಡು ಜಸ್ಟಿಸ್ ಅಡ್ಮಿನಿಸ್ಟ್ರೇಟ್ ಮಾಡುತ್ತಾರೆಯೆಂದು ನಂಬಿದ್ದೇನೆ. ನಾವು ನಿಜಾಂಶ ಹೇಳಿದರೆ ಅದು ಸುಳ್ಳು, ಎಂದು ಹೇಳುವುದಕ್ಕೆ ಬದಲು, ವರಿಫೈ ಮಾಡುತ್ತೇವೆಂದು ಹೇಳಿ. ಅಧಿಕಾರವಿರುವವರೆಗೆ ರುದ್ರನಂತೆ ಮೆರೆವರು, ಅಧಿಕಾರ ತಪ್ಪಿದಮೇಲೆ ಹಾಳೂರು ಹದ್ದಿನಂತಕ್ಕು ಸರ್ವಜ್ಞ.

Sri B. RACHIAH (Chamarajanagara).—I rise to support the demand before us. While doing so I would like to offer a few remarks with regard to administration of justice in the State. While making appointments to the posts of Government Pleaders, Munsiffs, Assistant Advocate-Generals, etc., communal considerations and favouritism are shown. Instead of the appointments being made on the basis of the ability, merit and standing at the bar of the person concerned, these appointments are being made according to the whims and fancies and the vagaries of certain Ministers and thus injustice is done to so many persons. We are not here to tolerate all this injustice for ever. I am seriously making these remarks because even though there are several qualified candidates from among the Scheduled Castes and other Backward communities, their claims have not been taken into consideration while making these appointments. While making recruitments to these posts, there is not only party politics but also favouritism is being shown. Nothing prevents Government from making adequate provision in the rules of recruitment to give proper representation to

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these classes. The Legislature has got the supreme authority and so while making the rules the Government should have taken the Legislature into their confidence and placed before it the proportion in which the appointments should be made between the various classes. The Government have not done so and they have also not informed the House the percentage of Scheduled Castes appointed to these posts from time to time. Yesterday while replying to the Budget discussion, the Chief Minister was pleased to observe that adequate representation would be given to these classes in all the cadres if any injustice had been done to them. I would very much wish the Chief Minister had placed before the House the rules of recruitment in vogue at present and the amendments proposed.

With regard to lady Advocates, some injustice has been done to them. That should be put an end to and proper representation should be given to them.

In the erstwhile Mysore State a Committee had been appointed under Justice Sri Mallappa to go into the question of administration of justice. The report of that Committee seems to have been kept in a cold storage. I do not know what happened to the recommendations of that Committee. I want to suggest that that report should be placed before the House and a day fixed for discussion of the report in the House.

The location of the courts also is not proper and so it is not possible to get justice in time because of the unequal territorial jurisdiction. Justice delayed is justice denied. The jurisdiction of the courts must be fixed as early as possible. It has been observed in several cases that the properties attached by court and kept under the custody of certain officers, are either exchanged or not found. I read in the *Samyukta Karnataka* paper that in Raichur the property of one Basappa containing gold and jewellery which was attached and kept under the custody of an officer was found missing.

Sri M. C. NARASIMHAN.—Is it proper for the Hon'ble member to quote newspaper reports?

Sri B. RACHIAH.—When there was such an allegation I expected Government to clarify the position. Since they have remained silent, it is taken for granted as consent. They must have issued a press note if it was not true.

My friend Sri Koujalgi and others have pressed the need for bringing about uniformity in the procedure and the laws in the various courts in the State. Unless that is done we cannot expect the judges to dispose of cases expeditiously. If a judge working in one area is transferred to another area, it will be very difficult for him to cope up with the work and so there will be delay in giving justice. I, therefore, want to bring about uniformity in procedure in the various courts in the State.

With regard to jails, I think that jail should be a reformatory school. I find that in the Mysore Central Jail handicrafts and other crafts like foot rug, coir and handloom which were being encouraged, are not now given sufficient encouragement by the Government and that sufficient amounts are not made available to them. I want that during the period of their sentence, the convicts should be in a position to get good wages so that when they are released they may have some money to go and settle in their villages as good citizens. That is why I want that sufficient amount should be provided for giving them adequate tuition in handicrafts and other works. There has been a decision in the High Court of Mysore that convicts who are sentenced to life-long imprisonment should not be kept for more than 15 years. I do not know if the Government have been following this decision.

Sri B. BASAVALINGAPPA (Deputy Minister for Home).—We have released all such prisoners.

Sri B. RACHIAH.—There has been a precedent in the erstwhile State of Mysore that on important occasions, convicts are released. I observed that during the last Independence Day, only people who were sentenced for two or

three months or for small offences were released whereas people sentenced for transportation for life were not given this concession. I wish to bring to the notice of Government that habitual offenders have been benefited by this concession and people who are convicts occasionally do not benefit by it.

Sri B. BASAVALINGAPPA.—If they are of desperate character, what is to be done?

Sri B. RACHIAH.—The Jail rules provide that such persons need not be given the concession.

With regard to amenities in courts, I would like to impress on the Government the imperative need for providing adequate amenities to the people who go to courts as witnesses or parties. Courts are located in small and old buildings. We require a big building like the Vidhana Soudha for our High Court and other courts. With these remarks, I support the demand.

Sri V. S. PATIL (Belgaum I).—Sir, I would first deal with the administration of justice. I fully agree with my friend who had made the suggestion that for recruitment of civil judges, there should not be any written examination or test. These persons have already passed not only B.A. but also LL.B. or B.L. and they have put in at least five years of practice. I do not know why once again a written examination is imposed. So far as these examinations and tests and interviews by the Public Service Commission are concerned, it has become too dangerous not only for the public, but also to the minorities in particular. There was heated discussion in this very House about the selections or recommendations made by the Public Service Commission and the word then used was that the minorities' interests have been 'butchered'. Such things are a daily occurrence here and I submit that there should be no more hurdles at the time of appointment of civil judges. When they have sufficient practice to their credit, they will be able to administer the law.

I would like to point out to the Government and through the Government to the High Court that while

making transfers from this part to the northern area, care should be taken in regard to the border areas, i.e., Belgaum. Some judges have been recently transferred from this area to Belgaum and they are finding it difficult to understand the documents and the depositions that have been recorded in Marathi. In most of the cases in the District Court of Belgaum, the documents are in Marathi and the Judges who have been transferred from here find it difficult to understand and an additional charge for translation means an additional burden to the litigants. I therefore submit that while making transfers to Belgaum or to any bilingual area, a person knowing both languages should be posted.

Sir, the Judges and the Magistrates who are posted to the other side, should be free from linguistic controversies. We find it difficult to obtain justice at the hands of those who are posted by the party in-power. We find that for the same offences under the Police Act, sentences range from mere admonition to nine months R.I. This is horrible. I do not understand why such severe sentences have been passed when the offence committed is merely shouting 'Sivaji Maharajki Jai'. For this, persons have been convicted for nine months R.I., which is the maximum punishment. The Magistrates administering law should be impartial. They should not be prejudiced by communal and linguistic prejudices.

A point was made by Sri Koujalgi about the delay in promulgating uniform laws. The Chief Minister was pleased to say that many Bills were pending here, and that the delay was not due to delay in drafting in the Law Department. The suggestion was that this House had not passed those Bills. But the real difficulty is in the Congress party. They are not firm on any Cabinet and there had been shufflings and re-shufflings. What we find for the last two years is that no sooner a Cabinet is formed, an underground movement starts to throw it out and the attention of the ruling party centres round this issue. Even now there is a rumour in the air that certain people or certain Hon'ble Members are

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trying to have a new cabinet. If these things go on, how is it possible for this House to pass Bills pending since a long time? So, the fault lies not with the House, but with the Ruling Party. They should be firm and they should elect their representatives or cabinet once for all and let them continue for five years. Then alone, we can do something here. Now it is merely wasting our time and the time of the Hon'ble House as well as of public money. I therefore request that the majority party or the Congress Party should be firm and continue the Cabinet which they have chosen or they may choose for the remaining period of the House. Then alone we can have uniformity of law early.

12 NOON

I raised one point in this House by moving an adjournment motion regarding the death of Gopal Chowgale. The Hon'ble Chief Minister was pleased to make a statement and the Hon'ble Speaker disallowed my motion. But the explanation given by the Government is not quite clear. It is not satisfactory also, because the information given by the Hon'ble Chief Minister is incorrect and insufficient in many respects. It is not correct to say that only 265 Satyagrahis have been transferred from Belgaum Jail to Bellary Jail. The figure is much more than that. Then the Chief Minister said that the epidemic of flu' started there on the 3rd March, and 39 prisoners were treated in that Jail. But the Hon'ble Chief Minister has not given the figures as to how many were affected by that disease. He has simply given the figure as to how many have been treated. 39 might have been treated. I do not dispute that. But out of the whole lot, not less than 50 per cent of the prisoners were affected by flu'. What was the reason? The reason was, there was absolutely no matting at all. These prisoners had to lie down on the floor for sleeping. There is no covering at all. Cumblies supplied to them were all torn and tattered; the Satyagrahis come from very respectable families; they are M.L.A.s, M.P.s,

Presidents of municipal bodies and also Sarpanchs of Grama Panchayats. Such representatives of persons are in the Jail and such persons have not been supplied even with ordinary sheets for covering. So, the main cause for this flu' was that those people had no clothing at all and no sufficient protection from air and cold and that was the reason why all these persons were affected. This fact was brought to the notice of the Hon'ble Chief Minister by a letter written by one of our friends Sri B. D. Naik on 15th February 1959. So, the version of the Chief Minister that flu' started there on 3rd February was not correct. We have complained to the Government on 15th February 1959 that the epidemic of influenza is there in the jail and proper steps should be taken immediately to which the Chief Minister was pleased to answer: "Your letter dated 15th instant is received by me. I will look into the matter referred to in your letter and take such action as is deemed necessary." That was the letter sent by the Hon'ble Chief Minister. But subsequently he has practically done nothing to give proper treatment to these prisoners. My information is that when this particular individual was attacked by flu' he was given some medicine in the Jail Hospital. What was that medicine? It was mere quinine and purgative. Due to heavy purgatives, this man became weak; he was a robust person of 38 years of age and due to heavy purging, he lost all his health and his condition became precarious; on the last day when his condition became precarious he was removed to the Civil Hospital and within a few hours, the man succumbed. This shows he was not properly treated. He was removed at 10 A.M. to the Hospital and by 7 P.M. he expired. That shows that the treatment which ought to have been given to a human being was not given to him. Why this was not given is because the Government is assuming that these satyagrahis are criminals.

SRI B. BASAVALINGAPPA.—I refute the statement. It is not true.

SRI V. S. PATIL.—My friends from the Congress were asking for better treatment when they were resorting to

Satyagraha during the British times. They must have forgotten that the treatment given to the criminals is quite different from the treatment given or ought to be given to the political prisoners. So, as a natural consequence of that, this young, robust and healthy man had to succumb. This is not the only case. There are so many cases of this sort that are going on in the various jails. I submit that this particular Demand for Jails should not be sanctioned or approved by the House.

Sri S. D. KOTHAVALA.—At least for betterment of the prisoners this Demand should be conceded.

Sri V. S. PATIL.—So long as Congress friends like Sri Kothavale are against us, I do not expect anything from the Government. With these remarks I conclude.

Sri M. RAMAPPA (Harihar).—Mr. Speaker, Sir, before making reference to the Demands under discussion, I would like to bring to the notice of the Hon'ble Minister for Law and Labour the speech that I made during the debate on Court Fee and Suit Valuation Act, 1958, that is, when you introduced a short Amendment Bill to unify court fees. I then remarked that you have not framed rules under the Mysore Court Fee and Suit Valuation Act, 1958. Then you were pleased to say that the High Court has to frame the rules. I would like to bring to the notice of this House that it is not only the High Court but also the Government which has to frame rules under this Act. Under Section 77, the High Court has to frame rules. It is only with regard to procedural matters. But under Section 78, the State Government has power to make rules to carry out the purposes of the Act. So, the major work regarding the framing of the rules is that of the State Government. I want to know whether the Government have framed the rules in the first instance.

Sri T. SUBRAMANYA.—We are ready.

Sri M. RAMAPPA.—You are waiting for the rules from the High Court. Assent was given to this Act in May 1958. It is nearly a year that this

Court fee and Suit Valuation Act 1958 has been passed. I want to know whether you have reminded the High Court to expedite the rules. I am very particular for the reason that the Court fee under the Act which has not been enforced is Rs. 7-8-0 whereas under the present Act it is Rs. 11-4-0. It helps the poor people to a very great extent. So I request the Minister to write to the High Court and see during this session itself that it will be possible to give effect to this Act also.

Regarding the administration of justice, especially in the old Mysore State, I would like to bring to the notice of the Minister the backwardness of our old Mysore State. You will be pleased to know the progress made by Bombay Karnatak in the matter of administration of justice. As against 215 courts in Bombay Karnatak, in old Mysore we are having only 65 courts. Old Mysore is so backward that for every district there are only two or at the most three courts. In Bombay Karnatak and all other parts of Karnatak they are having one court for each taluk or one court for at least two taluks. This is the progress made regarding the territorial and pecuniary jurisdiction and they have also progressed in the matter of appointments of Police Prosecutors and in the work of mobile or itinerant courts. There is not a single amendment to the Code of Criminal Procedure in Mysore, whereas in Bombay more than 12 amendments have been made just to suit the local needs. For example, in Mysore there is no provision for the Magistrate to award compensation either for the accused or for the complainant as the case may be, but in Bombay there is a provision to that effect. For false or fictitious complaints, we have to institute separate proceedings in old Mysore, whereas in Bombay Karnatak there is a provision.

Sri T. SUBRAMANYA.—Even here in certain cases compensation is given to the complainant.

Sri M. RAMAPPA.—What I mean is, there is no provision.

Sri T. SUBRAMANYA.—We will examine.

Sri M. RAMAPPA.—The main point is, the Chief Minister was pleased to say a few months back that they would take a decision in the matter of territorial jurisdiction, that is, reorganisation of courts.

Sri B. D. JATTI.—Pecuniary, territorial and some other matters will be taken into consideration.

Sri M. RAMAPPA.—I hope you will take an early decision in the matter. In Bombay Karnatak there is one court for each taluk or at least one court for two taluks. In old Mysore in some places we have to a cover distance of 100-150 miles to go to courts, whereas in Bombay Karnatak we need not necessarily go more than 30-40 miles. The matter which I wanted to bring to your notice is, there are about 6,000 cases in some criminal courts, out of which there are at least 2,000 contested cases. Can you expect the Magistrate to give the proper attention needed for all these 2,000 cases, because he is expected to dispose them of at least within a year? I have spoken with some Magistrates about this matter and some of them have told me that it is really very difficult to appreciate the arguments of the lawyers for the simple reason that the work is very very heavy. So justice is really suffering on account of the paucity of courts and also the large number of cases they have to decide within a short period of six months or one year. So I would request Government to take an early decision in the matter and to see that there will be at least one court for each taluk.

Regarding prisons, I am glad to know that the Deputy Minister is taking some interest regarding jail reforms, but I would only like to invite his attention to an order in a recent writ case from Bombay Karnatak about transportation for life and there are rules framed under the Prisons Act in Bombay and here in Mysore either in the Indian Penal Code or in any provision of law, transportation for life has not been defined. It depends upon the rules of each State. In Bombay Karnatak it is 15 years.

Sri B. BASAVALINGAPPA.—The Hon'ble Member is to some extent correct.

Sri M. RAMAPPA.—I would request the Deputy Minister to go through this order on the writ petition.

Sri B. BASAVALINGAPPA.—Government have released some prisoners in pursuance of the decision of the High Court.

Sri M. RAMAPPA.—I request the Government to frame rules similar to the rules under the Bombay Prisons Act.

With these remarks, I close my speech.

Sri B. VAIKUNTA BALIGA (Mangalore I).—Madam Speaker, may I say that when this Demand has come up for consideration when you are presiding over the House there is something more than what meets the eye? Because administration of justice during British rule may have been anything, but when it is a question of today's Government, that is, Republic Government administering justice, it should be tempered with mercy and I do not think that we can have a better exponent for administering justice with mercy than our mothers who will certainly guide the deliberations very well. Madam Speaker, may I say that so far as this Demand is concerned, I support the Demand wholeheartedly and fully and if I could say so, effectually, but at the same time I must not fail to observe that there are a few points which will merit attention at the hands of Government. As regards particular lapse, if I may call it so, not spending all the money that has been provided for by the Finance Minister after due consideration under the head, Civil and Sessions Court, as against a provision of Rs. 52.19 lakhs, we find Rs. 49.99 lakhs alone having been spent, leaving a margin of nearly Rs. 6-7 lakhs. I will not be wrong in saying, and I should like to be corrected if I am wrong, that so far as this short-fall is concerned, it is on account of the failure to recruit necessary staff to administer justice in various courts. May I say that this is a very urgent matter because there are a number of courts where the posts have not been filled? It is not a question of there not being an adequate number of courts sanctioned, but there are a few

courts which have at times for one reason or other been without presiding officers and the number of such courts is not small. I have no doubt that the Hon'ble Minister for law will certainly look into and set matters right. I am also told that so far as recruitment of judicial officers is concerned, whenever a judicial officer is transferred and when the High Court are requested to release him, there has been a certain amount of dissatisfaction on the part of the High Court as being unable to release him as they have no hands to fill in the vacancy that is created by such requests. It was also mentioned that, so far as recruitment is concerned, it might be by competition so that there will be no scope for favouritism. Some such idea in this behalf was given and I hope Government will certainly look into it. Besides this aspect, there are certain remarks made by the Leader of the Opposition so far as recruitment to Public Prosecutors' or Government Pleaders' posts or of other officers is concerned, which I wish to answer immediately. With regard to his own district specially he was pleased to remark. If the Minister in charge is not aware, may I seek his permission to say that those remarks are wrong. So far as recruitment is concerned, it has been done on the principles that govern all districts, i.e., after consulting the District Judge and the District Magistrate. Without mentioning the name I may say that the persons appointed cannot be criticised or approached in a wrong manner when it is to be remembered that they have served two terms satisfactorily and the recommendations have been in support of their appointment. Besides that, one particular point was made with regard to the location of a Sub-Court at Udupi. There seems to be an idea wrongly placed, without any ground about that question. I want to say by way of personal explanation that the file did not come up before me when I was in office for a short while nor was it pending at any time. That might have been done prior to my assuming office.

Then I want to make a few observa-

tions with regard to the low paid staff like the Copyists and the Process Servers in Civil Courts. There is a minimum living wage or remuneration that has to be given to all the servants of Government. I do say that the Process Servers in Civil Courts are as important members of the community as others, that their case may be considered with a certain amount of sympathy and they may be enabled to live very respectably and thereby we may prevent the chances of their being open to corruption or other kinds of deeds.

Besides that, there is one more point which I want to refer and that is with regard to the equipment in the shape of library that is wanted by the courts particularly in the mofussil. I am also aware that the libraries that are attached to the High Court are not adequate in view of the increasing work. I am very happy to say that the High Court have been discharging their work faithfully particularly after re-organisation but that is no reflection on what has been done prior to it because I am not aware of it. But I do personally know that so far as the work of the High Court is concerned, there is absolutely no doubt of the work being done efficiently and they do not deserve any criticism at any time levelled by anybody. Certainly a word of appreciation will not be wrong. At the same time, in order that they may do their work even better it may not be wrong if we supply them with nice libraries because legislation is mounting up and there is justification for more educative libraries. There is a certain amount of feeling that the High Court of Mysore has yet to rise to the stature of the High Courts of the bigger States. I do feel that they are on the way to reach that level and perhaps we may go ahead and hold ourselves worthy of the judicial system and judicial pronouncements of the highest order.

There are also subordinate courts regarding recruitment to which there is one thing which the Hon'ble Minister for Home will remember and that is accommodation in the shape of furniture and sitting space and other facilities that are wanted. I know personally

(SRI B. VAIKUNTA BALIGA)

that the circumstances are rather tragic. There is not even a bath-room or even decent accommodation to sit. Lawyers are made to sit in the verandah. Government have failed to provide these facilities.

Before I close I may refer to one more aspect and that is the question of distribution of work among the various courts. There is a tendency, of which I am fully aware, of taking away the jurisdiction of the civil courts and trying to invest it in a particular kind of officer against whose judgment there may not be any appeal. People go to High Court in revision because provision is made for revision to the High Court. I am not saying anything against the scope or the propriety of this kind of legislation, but I do see that the bulk of the jurisdiction in a large number of matters which normally go before civil courts is taken away and entrusted to an executive officer or a revenue officer. I do not for a moment suggest that the officers are not competent or have not got the readiness or knowledge to come to a conclusion. But the principles of jurisprudence that may be involved are better administered by a civil judge than anybody else. More efficiently justice could be done. Justice rendered speedily will bring reputation to Government also. So my friend the Minister for Law who is energetic will consider all these suggestions and see that no scope is given for the criticism that is now being made on insufficient ground without adequate appraisal of the situation.

Sir, I support the Demand.

12-30 P.M.

Sri M. C. NARASIMHAN.—You said that criticism is being made on inadequate grounds. To whose criticism are you referring?

Sri B. VAIKUNTA BALIGA.—I am referring to the criticisms of Hon'ble Members on the other side who have made certain remarks without a proper appraisal of facts.

Then I would refer to administration of jails. Here again may I repeat what

I said at the beginning of my speech? Your presence in the Chair is very appropriate and it gives us an inspiration to try to improve the lot of those that are convicted rightly or wrongly. They are respectable citizens of an independent country who might have gone astray. It is therefore necessary that their lot should be improved. Administration of justice has to be done with sympathy, tact and ability. I do not want to prolong my speech, but I would only say that the suggestion that I have made might be considered with a certain amount of sympathy and accepted to the extent possible. If ever any remark is to be made that criticisms were made on insufficient grounds and that remark applies to me, I am prepared to take that blame and stand corrected.

†Sri M. C. NARASIMHAN.—The previous speaker was pleased to say that the observations made on this side of the House were on insufficient grounds. I would, however, say that the points that were made on this side of the House regarding recruitment to the judiciary at different levels were out of experience. I believe the previous speaker has immense faith in the Report of the Law Commission. If he has no faith in what we say, at least he must have faith in what the Law Commission has said in its 14th report. Nobody can deny that the members of the Law Commission were the most competent men in the field and they have made certain recommendations regarding judicial reform. After our country attained independence this matter has been engaging our attention and here we have a report which is drafted after due consideration by extremely competent men in the field. I am aware that all the recommendations of the Law Commission are not within the ambit of the State Government. There are some which are outside the scope of the administrative powers of the Government and I am not referring to them, but there are one or two things to which I think it is necessary to draw the attention of this House for this reason that in the near future when those recommendations come up

for consideration the State Government might put in their own weight against those recommendations. I am very apprehensive of that because I heard the other day the speech of Sri Hanumanthaiah while referring to the question of the recruitment to the High Court and the judiciary. The impression that I gathered was that regional representation ought to be given more weight in the matter of recruitment to the judiciary. As against this, there is the weighty recommendation of the Law Commission that there should be an All-India Judicial Service. If the interests of the minorities are to be safeguarded and if the fundamental freedoms guaranteed by our Constitution are to be ensured to every citizen in India, it is absolutely necessary that the judiciary which is the only instrument to which an ordinary citizen can look forward, should be above board and above criticism. We on this side have on many occasions pointed out the inadequacies in this regard. The Law Commission also has agreed with our view in this regard. The Constitution also definitely lays down that the appointments of High Court Judges should be made by the President, but I say that it is only a fiction. In actual practice we find that it is the recommendation of the executive at the State level that is given predominance and may I say unnecessary predominance in a matter which is so vital. Where is the necessity for the Chief Minister to make a recommendation to the President and to the higher authorities? He sends a list of names. We know that a harassed executive, especially the Chief Minister of a State, has necessarily got to yield to all sorts of considerations, apart from the considerations mentioned by the Law Commission. There is no necessity for the Chief Minister to send such a list if the real spirit of the provision of the Constitution is followed, but by practice we have allowed this situation which has led to a great deal of deterioration in the administration of justice. I need not refer to the particular passages in the Law Commission's Report wherein they

have emphatically brought out this matter to the attention of all. I leave it to my friend Sri Mallaradhyia who has gone into this question to deal with it exhaustively. I again emphasise that the State Government, when this question comes up for consideration, should agree to an All-India Judicial Service as it is in the interests of all concerned and it is also in the best spirit of the Constitution.

The other question is about selection. The Law Commission also has gone into this question. At the district level of the judicial cadre, munsiffs and magistrates are sought to be selected on the basis of certain written examination. I think that is the proposal before the Government. There is also the question of *viva voce*, but the Law Commission appears to be against this sort of *viva voce* tests. There are two views about this matter. There is one view which says that there should not be *viva voce* tests because personal interviews will always have a personal bias. We know that in these days personal bias works all sorts of wonders in the matter of selection to posts. I am one of those who believe that there should not be any *viva voce* test for selection. On the other hand, selection should be made entirely on the basis of written test. In this connection I would also suggest that the High Court and the High Court alone is competent to select men for the judicial cadre and not the Public Service Commission. The Public Service Commission is an authority which is intended to dispense communal justice, more than anything else. I am not disputing that function at all. It may be a right function in order to secure social justice. However it should not come within the purview of this body to select persons for the judiciary, who are to be above board, above criticisms and who have to practise in an atmosphere of detachment from linguistic and other considerations. The P.S.C. should be kept out of this. I am definite that the High Courts have the best means to make the selections. The judiciary can find out who are the best and competent men.

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I will now speak about the salary scales at the lower levels. I do not know whether so far as this State is concerned, the separation of the judiciary from the executive is complete. I hear in Coorg the separation is not complete. After the separation of the judiciary from the executive, there is a new element which ought to be taken into account and that is that the former judicial officers were also executive officers. They had the authority and the area of their operation was different and wider. Persons could be satisfied even with smaller salaries. But with the separation of the judiciary from the executive, persons administering justice have to be satisfied with a circumscribed area of authority and the only satisfaction they would derive is the psychological satisfaction. If the best men are to be attracted the salary would have to be higher than what they are now. I will leave it at that.

Regarding the rules of promotion and recruitment from the bar, I would suggest that the suggestions of the Law Commission be taken into account.

Regarding Prosecutors, it is absolutely necessary for the administration of justice that the machinery of prosecution should be separate from the clutches of the police. In Soviet Russia it is apart from the normal police machinery. This is according to Sri N. C. Chatterjee, a very eminent Member of the Bar who has visited Russia.

The question of legal aid to the poor, particularly the Scheduled Castes, is very important. In this connection, I may invite the attention of the Government to the two or three reports, one Justice Bhagwathi's report made in Bombay, another Justice Harri's report in West Bengal, and the scheme of the Kerala Government in the matter. According to the last scheme, a person getting salary of Rs. 100 and below, apart from those belonging to the Scheduled Castes, is considered as poor for the purpose of this scheme. Legal aid to them is free and wherever lawyers are to appear it is penal for

them to accept a fee from the client. This applies to all classes of cases, including labour cases and cases where administration of special laws are involved, for example, the laws for amelioration of Scheduled Castes and Tribes. Some of these laws are actually on the statute book, but they are not implemented for the simple reason that it is costly and is not possible. I would appeal to the Government to see that a scheme similar to the 'Kerala Legal Aid to the Poor' scheme is brought into force. This is one of the States, which has not at all taken this matter seriously. I know that the Government of India since 1956 has been writing to the State Governments that sufficient amounts should be assigned for legal aid to the poor. I do not think that much progress has been made or at any rate put into practice.

I agree with the suggestions regarding mobile courts run by Nyaya Panchayats. A Bill in this regard is pending. I do not know if it provides for such a scheme. I know that the Hon'ble Minister thinks that this is a controversial matter and that such powers should not be vested with the Panchayat. The fear is that it may lead to mis-carriage of justice. In the initial stages it may. That argument has been levelled even against democracy. Were there not people who went on saying that a democratic form of Government would lead to inefficiency, mal-administration and corrupt practices? We have accepted democracy and a concomitant of it would be to extend it to Panchayats. May be, there is a certain element of truth in the criticism, but by and by with better education and public opinion, it may be corrected.

Sri J. B. MALLARADHYA (Nanjangud).—I wish to emphasise one aspect of the Judicial Department. Government should take a firm decision in regard to the future policy of recruitment that we are to adopt. We have the basis of a very valuable Report recently published by the Law Commission.....

Sri C. J. MUCKANNAPPA (Gubbi).—Before the debate started, Hon'ble Speaker was pleased to state that the party in power and the party in

Opposition have come to an agreement. There are 36 Independents as against the 18 or 20 P.S.P. Members. So far four P.S.P. Members have spoken as against only three Independents. Is this fairplay? Is justice available here?

Mr. SPEAKER.—I understand your feelings. I know that you want a chance.

Sri C. J. MUCKANNAPPA.—I am not very particular about a chance.

Mr. SPEAKER.—I know that the Independents are more in number than the P.S.P. There is no doubt about it. But that does not mean that all the Independents can be accommodated. I will however try to give as many chances as possible to the Independents. Hon'ble Members may see that I give more chances to the Independents than to the P.S.P.

Sri J. B. MALLARADHYA.—It should not also be forgotten that there are a large number of members who have given cut motions.

Mr. SPEAKER.—If I have to give time for the cut motions, then each member can get only two minutes.

Sri J. B. MALLARADHYA.—The Speaker may do whatever lies in his power, but this kind of criticism and obstruction is likely to lead to a lot of unpleasantness.

Mr. SPEAKER.—It is there. What can you and I do?

Sri J. B. MALLARADHYA.—With regard to the policy of recruitment, even as I suggested on the last occasion during the budget discussions, a few alterations or modifications are necessary to the existing rules of recruitment to the subordinate judiciary and appointment of District Judges. The present rules have given room to a lot of misunderstanding and a lot of unpleasantness in the minds of those people who are anxious to be recruited as Munsiffs, District Judges and Public Prosecutors. Sir, I agree with my Hon'ble friend Sri Narasimhan in one fact that in the matter of appointments of members of the Judiciary, the High Court should have a preponderant voice but I am not prepared to agree that this power should be taken away from the Public Service Commission. The

Public Service Commission owes its existence to the Constitution and it has provided that in the appointment of members of the Judiciary one of the Judges of the High Court should be associated with the Public Service Commission and he should reasonably have a preponderant voice in the decisions to be taken. I also agree that to overcome all this defect, there should be a kind of an All-India Judicial Service in the State. I do not know if the Government of Mysore have received the recommendations of the Law Commission and if they had attempted to consider their recommendations and if they had taken any decisions on them. I think it is an authoritative report of a Commission consisting as it did of the Attorney General of the Government of India, a number of Judges of the Highest Court in the country and a number of people drawn from various States. Sir, in the matter of recruitment of Judges, my friend Shri Koujalgi said that people should not be recruited to the Judiciary directly unless they had put in some years of service in the Bar. I should like to read out the Report of the Commission. It was pointed out that three to five or six years of practice at the Bar insisted upon in most of the States for entrance to the Judicial Service served no useful purpose. They tried to get persons who have put in 3 to 5 years at the Bar or appointed persons who have failed to make a living in the professional life. The Chairman of the Bihar Public Service Commission has said that he had come to the irresistible conclusion that with three to five years' practice at the Bar, a young man deteriorates more or less completely. There is sufficient basis for this presumption in regard to this fact. The Law Commission is entirely against the idea of recruitment from the Bar. I should like to read a few of the valuable recommendations that they had made in regard to the recruitment of judiciary. Sir, they have said that an all-India Judicial Service should be created which should man 40 per cent of the posts and strength of the higher judiciary and these officers

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should be selected. Somebody said we should not have a Public Examination and we should not have *Viva Voce* Examination. In fact, the Law Commission is very emphatic that for recruitment of judges to the judiciary you should adopt the practice which obtains in the recruitment of officers to the All-India Administrative Services. Others went so far as to state that the scales of salary of District Judges should correspond to the salaries of I.A.S. Officers of the senior cadres. I am only reading the recommendations of these Officers. They said that it should be on the lines of All-India Administrative Services, no minimum practice at the bar should be insisted and such officers should normally be allotted to States other than home States. The inference is very obvious. If you want administration of justice to secure satisfaction to the people and not come under the influence of others, the judges should be people drawn from outside the State. It is a very healthy practice. I know it takes a long time to introduce this system. But it is time that the Government of Mysore gave some earnest consideration to the recommendations made in this Report and gave effect to these things. They have said that such officers after working as Magistrates, Munsiffs and Subordinate Judges should put in at least 10 years service before they could be appointed as District and Sessions Judges. The type of training they should get after recruitment corresponds to the Indian Administrative Service Training and even after that, they should be attached to courts where work is going on. It is only after these years of training they should be posted. You will therefore see that if the Government adopts some of the major recommendations of the Law Commission, it could absolve itself of the serious charges made against it that the executive is interfering with the administration of justice too much. I think it is a very valuable suggestion and the sooner the State Government and the Central Government realise the importance of the recommendations,

the better it is for the administration of justice. As regards emoluments of judges, Sri Narasimhan pointed out that it is a very low scale of salaries. It is necessary to increase it. The Law Commission has also recommended that the District Judges should get the scales of pay applicable to the Indian Administrative Officers. There is one other matter. Now, the appointment of District Judges is made by the Governor on the recommendation of the Chief Justice of the High Court concerned. In this matter, necessarily, the Law Minister of the State Government and the Chief Minister who is in charge of the portfolio and perhaps the Cabinet will have a voice in making that recommendation and advising the Governor. After all, the Governor is the constitutional head of the State. He has got to be guided by and large, by the suggestions and advice given to him by his Ministers. In view of this, there is a difficulty in the Constitution. Section 231 of the Constitution needs modification so that even appointments to the subordinate judiciary below the rank of the District Judges are made on the recommendations of the High Court. This change will be unnecessary if recruitment is made on the basis of competitive examination as suggested by the Commission. Sir, in regard to the promotion of District Judges also, there is a serious charge that the executive interferes in the matter of selection and promotion of officers from Civil Judges Cadre to the District Judges. Even here the Constitution requires perhaps to be looked into. It should be amended so as to vest in the High Court the power of posting and promotion of District Judges. Either the Government should take the responsibility of appointing judges or the High Court should take the responsibility. Between the two, there should not be divided responsibility. That is the reason why I consider that in a democratic set up all these troubles have come in. I do not want to take much time of the House. I would like to plead valiantly that this Report of the Law Commission should be studied at the Secretariat level and that the Government should give its

earnest consideration and implement the recommendations, particularly in regard to the recruitment of judges to the subordinate judicial service.

Well, Sir, there is another matter in regard to the recruitment of subordinate officials of the Law Courts. I refer to the recruitment of amins, what we call process servers. The less said the better about their work, the type of people you recruit, the integrity of these people. I do not say that the whole lot is bad. I must say that in a large majority of cases, if you send a decree for execution, it takes two years. I have obtained a decree against a particular individual and for the last 2½ years it is going from Bangalore District Court to Mysore District Court and from there to Yedathore Court and so on. I do not want to be uncharitable to those people. Unless our national character improves, it is impossible to rectify these things. But if you recruit people with higher qualifications and put S.S.L.C. as minimum qualification, there may be some improvement. I do not say that all the educated people are endowed with character but it is a guarantee against want of character; it is a negative approach. In some of the courts, there has been delay in the posting of judges or munsiffs. There are one or two places where the judges have not been placed for nearly 10 to 12 months; there are 40 to 50 civil cases but still for a period of three months there is no presiding officer. The amount of money spent by the litigant public is colossal. This kind of thing should not happen. I do hope the Government will prominently bring to the notice of the High Court such lapses and that litigant public are not harassed in any manner. I stop at that.

I come to Jail administration. My friend Sri M. Ramappa has suggested that the Hon'ble Deputy Home Minister is taking a lot of interest in Jail administration. I have heard it said that he had become a jail bird more or less. I do not know what they mean when they refer to him as 'jail bird'. It seems he makes very frequent visits to the jails. I am happy we have a Minister at least in the Cabinet who takes

interest in this unfortunate Department of the Government which has always received rather very step-motherly treatment. I say the report of Justice Chandrasekhara Iyer Committee was a monumental one that the Government of Mysore have produced which is suitable for any part of the country. I am happy to hear that more than 36 items in that Report have been implemented subsequent to the assumption of the office by this Government. It is all to the good and the public is grateful for that. But what I should say is it is nearly ten years since the Report has reached the hands of the Government and it is consigned to the archives of the old Secretariat and now they are taking it out of these archives and trying to implement the recommendations.

1 P.M.

One thing I wish to mention about jail manufacture. If you see the Budget Memorandum, page 58, you find that you are spending as much as Rs. 5.83 lakhs according to the budget of 1959-60 and trying to get just Rs. 4.75 lakhs. I do not think it rounds to the credit of any administration in the matter of jail manufacture. You ought not to show any deficit. In fact, it is a fertile source of making revenue. You should make jail manufactures remunerative so that you may run the administration of jails without any contribution from revenue account. I do not know why for the last 10-15 years there has been complete lack of co-ordinated effort in the matter of improving jail manufactures. There was a time when various departments of the State were being supplied with all the requirements, of furniture and carpets and things of the kind, but latterly I see a marked deterioration both in the quality and quantity of manufactured items. I have heard that the type of personnel that you post to these jails, is the chief cause for all this. Unless you post a highly competent man with technical experience of a very high order, you cannot stimulate jail manufactures. You should not think it in terms of a hobby for the convicts. You

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must allow them to make a living and earn something and when they leave the jail after undergoing terms of imprisonment, they must have some money so that they may begin to lead an honest life. Have you a regular programme in this matter? All the requirements of stationery, carpets, furniture, etc., must be met completely by the jail supply over the entire State. Why the Government are not spending more money, not posting technical personnel and what is the Director of Industries doing? Why don't you appoint Deputy Inspector General of Prisons? I see you abolished the post of Deputy Inspector General of Prisons. It is far too much to expect the Inspector General of Prisons to go into the details of the administration. You must have a highly technical man to stimulate work in jail. Unless you have a man who has been a Superintendent of Industries connected with small industries, with mechanised industries, unless you post him to the jail department, the future of jail administration, particularly regarding manufactures, will be dull.

You have been talking for over ten years after independence has been secured for Mysore and you have not got the administration that could shift the jail to some other place. It is an eye sore that it should be in the heart of the city. We have often pleaded on behalf of the public and the educational institutions that this jail should be shifted immediately out of the present habitation and it should be given over to form a completely ideal University campus. To the left there is the Maharani's College; to the right you are putting up hostels. Close by there is the Central College and the Domestic Home Science College. I must remind the members of the Cabinet about Cardinal Newman's idea of the location of a University. It is the last place to think of University institutions with the jail right opposite. What kind of psychological effect it will have on those girls to see the jail birds coming out morning and evening. In view of the necessity for more seats in the University institutions, you must take

steps to shift the jail to some more convenient surroundings.

†SRI T. SUBRAMANYA.—I have heard with deep attention all the suggestions made by my friends in this House. I am very happy to learn from my friends that nobody entertains any doubt with regard to the attitude of the Government in relationship to the judiciary. We are aware that an independent judiciary is a pre-requisite for the successful working of democracy. Though the Government have got some powers with regard to the recruitment to the judiciary in the lower level and as the Constitution exists to-day and as Sri. Mallaradhyia has pointed out, certain amendments are necessary. In fact, the Mysore Government have been following a convention which gives a predominant voice to the High Court in the appointment of several judicial officers in the State. Though it is on the recommendation of the Government that the Governor can appoint District Judges, we have followed this convention that whatever recommendations the High Court sends, we accept them *in toto*, generally and that has been done in regard to the recent appointments made. So far as the recruitment to the Munsiffs' cadre is concerned, the Government do not interfere at all because we have rules framed for the purpose in consultation both with the High Court and the Public Service Commission and according to the rules, a competitive examination is held and *viva voce* also is held and at the time of selection, not only the members of the Public Service Commission but one of the Law Secretaries who is a judicial officer, will sit and select the people. That procedure, I suppose, will work well. This rule is made in consultation with the High Court and therefore, I hope it will work well. With regard to the other cadres of judiciary we have followed the same procedure. For example, in regard to promotion from Civil Judges to District Judges, generally we accept the recommendation of the High Court and they are appointed unless the confidential report of the officer is not good. The confidential report is considered by the High Court also while recommending

their names. We also maintain certain confidential reports. If the reports are not against the officers, we generally without exception accept the recommendation of the High Court and I want the Hon'ble Members and through them the whole public to be assured that it is not our intention to have any hand in the judicial administration of this country. We want a free and fair administration of justice in this country.

I come next to the appointment of Public Prosecutors and Assistant Public Prosecutors. Even there we have followed a principle which is in vogue for very many years and that is this, whenever there is a vacancy caused in the post of Public Prosecutor or Assistant Public Prosecutor, Government Advocate or anything like that, we get the recommendation of the Deputy Commissioner, not of the Advocate General and the District Judge. For Public Prosecutors and Assistant Public Prosecutors we get the recommendation from the District Judge and District Magistrate of that particular district. If a panel is given, out of that panel one man is appointed.

Sri V. SRINIVAS SHETTY.—Is it followed?

Sri T. SUBRAMANYA.—It has been followed. There is no violation of that rule.

Sri J. B. MALLARADHYA.—Are there occasions where the District Magistrate and District Judge have differed?

Sri T. SUBRAMANYA.—I have not found very many occasions where they have differed. But even then there will be some names common.

Sri K. PUTTASWAMY (Mysore).—May we have an assurance that the panel is not controlled?

Sri T. SUBRAMANYA.—It is not controlled at all. I do not want anybody to lay a charge of that kind against Government without knowing the facts. We have not influenced any Deputy Commissioner.

Sri C. J. MUCKANNAPPA.—We want to charge the Government.

Sri T. SUBRAMANYA.—I wish you had charged us.

Therefore I say we have not influenced

either the Deputy Commissioner or the District Judge to send any particular panel. Whenever they have disagreed we have chosen the names common to them.

Sri C. J. MUCKANNAPPA.—With regard to Mandya, Bangalore and Tumkur both the District Judge and the District Magistrate have not agreed. What have you done?

Sri T. SUBRAMANYA.—How he knows that I do not know. I have not dealt with Mandya or Tumkur papers at all. Vacancies are not there. Therefore my friend Sri Muckannappa will wait till the vacancies fall and then criticise us.

Sri C. J. MUCKANNAPPA.—Whether you were in office there or not, it is the party that is in power. I am not charging any individual.....

Sri T. SUBRAMANYA.—I am not yielding, Sir. It is not right that the Hon'ble Member should interfere like this.

So, this is the practice that we have been following. Whenever vacancies fall we ask the Deputy Commissioner and the District Judge to send a panel and if they agree with the panel of names given by both of them, Government uses the discretion in selecting one man. There was a small criticism by Sri B. Rachiah that a Harijan has not been appointed. I can announce in this House that recently we have appointed one Harijan who has been recommended by the District Magistrate in Hubli. He is a junior, with only six years of service in the Bar and we have appointed him. If the Government is interested in winning their cases, they will entrust their cases to the best of lawyers available in the field. We call for recommendations and we appoint people.

The next point is about the Report of the Law Commission. We have seen the Law Commission's Report. But the Government of India are now considering their Report and they will have to pass orders on that Report and then send it on for implementation wherever necessary. However I personally agree with many of the recommendations made in the Law Commission's Report.

Sri B. RACHIAH.—Even though there is a recommendation of the High Court for appointing a Harijan as a Government Pleader, Government has overruled it; is it a fact?

Sri T. SUBRAMANYA.—There is no recommendation from the High Court to appoint a Harijan as a Public Prosecutor or Assistant Public Prosecutor.

Sri B. RACHIAH.—As a Government Pleader?

Sri T. SUBRAMANYA.—No, Sir.

Sri M. C. NARASIMHAN.—Khadi wearers!

Sri T. SUBRAMANYA.—Whether one is a khadi wearer or not, we have been treating all people alike.

Sri M. C. NARASIMHAN.—The Law Commission have made recommendations applicable to all States owing to unsatisfactory recruitment to the judiciary.

Sri T. SUBRAMANYA.—It may be unsatisfactory; but I am answering your questions. I am not here to answer certain questions that will arise out of the Law Commission's Report.

Sri N. RACHIAH.—On whose recommendation Government Pleaders are appointed? Is it not on the recommendation of the Advocate General?

Sri T. SUBRAMANYA.—I am not aware. They were done long before.

Sri C. J. MUCKANNAPPA.—In answer to a question the Law Minister has said that it is on the recommendation of the Advocate General Government Pleaders are appointed; how can he deny that now?

Sri T. SUBRAMANYA.—That is not the point before us now. If you put a specific question I will answer.

Sri C. J. MUCKANNAPPA.—There was a specific question.

Sri T. SUBRAMANYA.—I have answered also.

But today if you ask whether there was any recommendation of the Advocate General for the appointment of a Harijan as a Government Pleader to appear in all cases before the High Court I will say I am not aware. If you put a specific question I will certainly answer.

The next point which I would like to deal with is about court fees. The

Court Fees Act has been passed by this House but we have not been able to implement it because of certain difficulties.

Even with regard to the equation of posts and of inter-State seniority list the High Court has been unable to finalise the matter because they want extra staff.

Sri C. J. MUCKANNAPPA.—What was the difficulty that was confronted by you in implementing it?

Sri T. SUBRAMANYA.—The High Court have to frame rules. We have framed rules but we are awaiting the rules to be framed by the High Court. As soon as we receive them we will implement it.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಮೂರು ವರ್ಷಗಳಿಂದಲೂ ಅವರು ಕಳುಹಿಸುತ್ತಿದ್ದಾರೆ. ಸರ್ಕಾರಗಳಿಂದ ಅದನ್ನು ಒಪ್ಪುತ್ತಿಲ್ಲ.

ಶ್ರೀ ಟಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ಅವರಿಂದ ಬಂದುದನ್ನು ಒಪ್ಪುವುದಕ್ಕಾಗಲಿಲ್ಲ. ಏಕೆಂದರೆ ನಾನಾ ಕಾರಣಗಳಿಂದ ಅದನ್ನು ವಾಪಸ್ಸು ಕಳುಹಿಸುತ್ತೇವೆ, ಪುನಃ ಸರ್ಕಾರಕ್ಕೆ ಬರುತ್ತದೆ. ಇದೇ ರೀತಿ ಆಗುತ್ತದೆ. ಅದರಿಂದ ನಮ್ಮದು ತಪ್ಪಿಲ್ಲ.

In all interpretations of law we know that different people take different views. Are there not instances where the orders of High Court have been set aside by the Supreme Court? There are hundreds of cases. Sri M. Ramappa's case for example—here is an instance of a case where the Mysore High Court held that Sri Ramappa was not duly elected and the Supreme Court gave a different decision on a point of law. So he is here.

Sri J. B. MALLARADHYA.—That is justice which the party claims.

Sri T. SUBRAMANYA.—We administer justice even to our opponents.

Sri V. SRINIVAS SHETTY.—Exception is a rule.

Sri T. SUBRAMANYA.—Show me an instance where.....

Sri C. J. MUCKANNAPPA.—Why do you blame the High Court for your actions?

Sri T. SUBRAMANYA.—We have not blamed the High Court.

Once I met the Chief Justice of the Bombay High Court who had then given a decision against the finding of a District Judge. When the District Judge met him Chief Justice said "Who knows; if the case goes to the Privy

Council they may uphold your view". It is always there. Law is a flexible thing. Different interpretations are given by different eminent men very often. Members will kindly note that without a murmur we have implemented every decision of the High Court though very often we feel that the decision of High Court is not proper.

Mr. SPEAKER.—The decision of the High Court is always correct unless it is set aside by the Supreme Court. Nobody in this House can say that the High Court is not correct so long as its decision is not set aside by the Supreme Court.

ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಿನ್ನ ಸಾಯಂಕಾಲ ನೀವು ಹೆಚ್ಚು ಚರ್ಚೆ ಮಾಡಿಯಿರಬಹುದು, ಬಗ್ಗೆ ಮಾಡಿದ್ದ ಅರ್ಥವನ್ನು ವಿತರಿಸಿ, ಮಾಡಿಕೊಂಡಿಲ್ಲವೇ ?

Sri T. SUBRAMANYA.—I expect Hon'ble Members to observe some sort of rule with regard to matters pending before the High Court. Since this matter is pending before the High Court we cannot dilate upon it. I submit for the consideration of the Speaker that though in my view the High Court has erred in coming to a particular conclusion, still I am bound to obey it, but I have the liberty to say that the High Court has erred and therefore I cannot say that that is the correct decision.

Sri K. PUTTASWAMY.—In the appeal memo to the Supreme Court you have the right to say that the High Court has erred, but having accepted the judgment of the High Court I think you have no right to say that it is not correct.

Mr. SPEAKER.—Unless you appeal against the order of the High Court, you do not have the right to say that the decision of the High Court is not correct.

Sri T. SUBRAMANYA.—Well, I hold a slightly different view, but that does not matter much. Suppose there is a particular judgment of the High Court. Will not the Press have the right to criticise the judgment and say, that the High Court has erred in coming to that decision?

Mr. SPEAKER.—In this House we cannot challenge it.

Sri T. SUBRAMANYA.—We are not challenging it. We accept it as binding

on all of us, but at the same time we may appeal or may not appeal against it. There is this slight difference in approach and I differ from the view expressed by some Hon'ble Members here, but that does not matter much here. I feel that anybody can hold any judgment of a court of law to be erroneous even in public.

Mr. SPEAKER.—I do not think it is possible to challenge the decision of the court in public unless an appeal is preferred against it.

Sri T. SUBRAMANYA.—Sir, I differ from that view. I do not want to dilate upon it any more. I have always found that whenever a judgment is passed by any court, the editors of papers have the right to criticise it within limits.

Mr. SPEAKER.—We are not dealing with papers here.

Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—May I understand whether it is not the fundamental right of any person to hold his opinion about a judgment? The question is not whether it is binding or not, but the question is whether freedom of speech or expression about a judgment is there or not.

Mr. SPEAKER.—According to our rules, there cannot be a discussion here.

Sri T. SUBRAMANYA.—You may not take a decision on that point, because I am not dilating upon it.

Sri V. P. DEENADAYALU NAIDU.—I am raising a point of privilege of a member. When outsiders have the right to discuss a judgment of a court, how much more a member of this House has that right. I want to know how much more is my right to debate on that judgment.

Mr. SPEAKER.—It is not necessary to raise that point here. Our Rules do not permit such discussion.

Sri M. RAMAPPA.—When editors of text-books have the right to comment on decisions of High Court, is it not open to members to comment upon them here?

Sri T. SUBRAMANYA.—I wanted to say that members have the right to comment on decisions of courts. I think I am correct in my view. All

(SRI T. SUBRAMANYA)

the same we need not discuss this matter today.

SRI M. C. NARASIMHAN.—The rules do not provide for that. If you want to have that right, you must amend the rules.

SRI T. SUBRAMANYA.—Show me the rule which prevents us from criticising a judgment.

MR. SPEAKER.—Judgments of courts of law cannot be criticised here.

SRI T. SUBRAMANYA.—Then, Sir, there was another point about the location of a court in Udipi.

SRI V. P. DEENADAYALU NAIDU.—Sir, my point has not been completely answered. If the matter is not pending before the High Court, is it not open to us to discuss a judgment here?

MR. SPEAKER.—I have already given my decision that a High Court decision can be challenged only by an appeal to the Supreme Court. Elsewhere it cannot be challenged. Otherwise there will be no sanctity to the judgments of courts of law. I give this as my last ruling. I will allow no Hon'ble Member to speak on this matter. It is my ruling that the decision of the High Court cannot be discussed here. It can only be challenged by an appeal to the Supreme Court.

SRI V. P. DEENADAYALU NAIDU.—What about opinions?

MR. SPEAKER.—No opinions differing from the judgment can be expressed here.

(Sri V. P. Deenadayalu Naidu rose).

MR. SPEAKER.—Please take your seat.

SRI S. D. KOTHAVALA.—May I request you . . .

MR. SPEAKER.—No. Please take your seat.

SRI T. SUBRAMANYA.—I accept the ruling of the Chair and I do not discuss this matter any more. I hope I will have another occasion to do it.

The next point that I would like to deal with is the question of location of courts. I agree with the suggestion that courts must be dispersed in as many places as possible. We await only the recommendations of the High Court of Mysore to implement this

suggestion. If the High Court tomorrow recommends that a particular court must be located in a particular area, we will be bound by it and we are going to implement it.

1-30 P.M.

About court buildings, Government is aware that there is insufficient room in many of the courts in the State. We are going to tackle the problem every year on a planned and phased basis consistent with our financial position.

With regard to libraries, we have this year made certain allotments to all the mofussil bar associations. Every Association has got, I think, a minimum of a thousand rupees and next year also we hope to allot some amount for the mofussil bar association libraries. So also to the Bangalore and Mysore Associations.

About the Process Servers and Copyists, I accept the idea of recruiting S.S.L.C.s for Amin's places. I suppose they are doing it even now; probably not in all the areas. The suggestion is worth-considering. I agree that their position must be improved a bit and better persons should be recruited to Amin's posts.

Demand No. 15—Administration of Justice.

MR. SPEAKER.—The question is :

“That a sum not exceeding Rs. 76,52,200 be granted to the Government to defray the charges which will come in course of payment during the year ending the 31st day of March 1960, in respect of ‘Administration of Justice’.”

The motion was adopted.

Demand No. 16—Jails.

MR. SPEAKER.—The question is :

“That a sum not exceeding Rs. 34,80,000 be granted to the Government to defray the charges which will come in course of payment during the year ending

31st day of March 1960, in respect of 'Jails'."

The motion was adopted.

ಶ್ರೀ ಬಿ. ಕೆ. ನಾಗೂರ (ಬಿಜಾಪುರ).—ಸ್ವಾಮಿ, ಈಗ ಮೂರು ದಿನಗಳಿಂದಲೂ ಮುಂಜಾನೆ ಎಂಟರಿಂದ ಮತ್ತು ಮೂರೂವರೆ ಗಂಟೆಯಿಂದ ನಮ್ಮ ಸಭೆ ಆರಂಭವಾಗುತ್ತಿದೆ. ಅದರಂತೆ ಸೋಮವಾರವೂ ಮುಂಜಾನೆ ಎಂಟರಿಂದ ಒಂದುಗಂಟೆಯವರೆಗೆ ಸಭೆಯನ್ನು ನಡೆಸಿ ಮಂಗಳವಾರದಿಂದ ಮಧ್ಯಾಹ್ನ ಒಂದುಗಂಟೆಗೆ ಆರಂಭಿಸಿದರೆ ಸದಸ್ಯರಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ.

Sri K. PUTTASWAMY.—Before the Speaker says anything, I wish to say that it would be inconvenient to some Members to sit in the morning on Monday because some members whose residences are nearabout have gone home and will return by the afternoon on Monday.

Mr. SPEAKER.—We will now rise till 3-30 P.M.

The House adjourned at Thirty-five Minutes past One of the Clock and re-assembled at Fifty Minutes past Three of the Clock.

[Mr. SPEAKER in the Chair]

ADDITIONAL AND SUPPLEMENTARY DEMANDS FOR GRANTS 1958-59.

Demand No. 1—Taxes on Income other than Corporation Taxes and Estate Duty.

4. Taxes on Income other than Corporation Tax and Estate Duty.

Sri J. H. SHAMSUDDIN (Deputy Minister for Finance).—Sir, on the recommendation of the Governor of Mysore, I beg to move:

"That a further sum not exceeding Rs. 61,700 be granted to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1959, in respect of 'Taxes on Income other than Corporation Tax and Estate Duty.'"

Mr. SPEAKER.—Motion moved:

"That a further sum not exceeding Rs. 61,700 be granted

to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1959, in respect of 'Taxes on Income other than Corporation Tax and Estate Duty'."

All the other Demands are also before the House. Hon'ble Members will make their remarks in respect of all the Demands. The other point I would impress upon the members is that they should make remarks in respect of the points raised in the Budget itself and not go beyond it. I would like to know from the Treasury Benches how much time they will require by way of reply.

Sri H. M. CHANNABASAPPA (Minister for Public Works and Electricity).—They are very simple ones. So much depends upon the Members opposite. If there are less comments, we will not take more than one hour.

Sri B. K. PUTTARAMIYA (Channapatna).—If the members of the Congress Party give up their right to speak, we will be able to finish the discussion early. Since the position will be made clear by the Ministers, it is not necessary for the members of the Congress Party to speak.

Sri H. M. CHANNABASAPPA.—Reasonable opportunity should not be denied to any member of this House. But anyway, it is a matter for guidance.

Sri C. K. RAJIAH SETTY (Chickanaikanahally).—The total amount of supplementary Estimates is Rs. 3,80,09,000. After all, such supplementary budgets are sometimes done mostly when original budgets are not accurate. Secondly, some of the items here are not genuine. The reason is this: more money is sometimes wanted when there is a big project and there will be very big projects which involve crores of rupees and there will be allotment in each year as per the scheduled programme. That is one way. The other way is, there will be so many scandals, squanderings and other things. I bring to the notice of the House a big scandal of about